

# COUNTERTERRORISM EFFORTS IN AFRICA

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## HEARING BEFORE THE COMMITTEE ON FOREIGN AFFAIRS HOUSE OF REPRESENTATIVES ONE HUNDRED FIFTEENTH CONGRESS FIRST SESSION

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THURSDAY, DECEMBER 7, 2017

HOUSE OF REPRESENTATIVES,  
COMMITTEE ON FOREIGN AFFAIRS,  
*Washington, DC.*

The committee met, pursuant to notice, at 9:30 a.m., in room 2172 Rayburn House Office Building, Hon. Edward Royce (chairman of the committee) presiding.

Chairman ROYCE. This hearing will come to order. And before we begin I would like to welcome Representative John Curtis of Utah to the committee. He is a successful mayor and businessman, and he will serve on the Subcommittee on Europe, Eurasia, and Emerging Threats, and on the Subcommittee on the Middle East and North Africa. So welcome, John.

Today this hearing is on counterterrorism efforts in Africa. And we examine U.S. counterterrorism efforts across the continent. This committee has long advocated for strong, sustained relations between the United States and the countries in Africa. And from the Electrify Africa Act and the reauthorization of the African Growth and Opportunity Act to the End Wildlife Trafficking Act, we have worked on a bipartisan basis to provide the tools for greater engagement with a continent that is home to some of the world's fastest growing economies, but also some major security challenges.

As I said in our May hearing on U.S. interests in Africa, for our efforts on the continent to succeed, we must help our partners confront the threat of radical Islamist terrorism. From Al-Shabaab in Somalia, to Boko Haram in Northern Nigeria, to al-Qaeda and ISIS in Libya, and their affiliates across the Sahel, terrorists seek to destabilize governments by threatening vulnerable communities, often by exploiting local grievances. This committee and Congress as a whole has supported our uniformed men and women in this fight, including by voting last year to require a strategy to defeat Boko Haram.

The death of four U.S. soldiers in Niger in early October, and a Navy SEAL in Somalia last May are stark reminders of the danger inherent in these efforts. This is why the War Powers Resolution requires notification to Congress when forces equipped for combat are deployed abroad.

AFRICOM is working with the FBI and other agencies on an investigation into what happened in Niger, which military officials expect to be completed in January. After the grieving families are briefed on the findings, Congress will be eager to ensure that appropriate steps are taken to lessen future risks to our forces.

This hearing will take a broader look at U.S. counterterrorism efforts across Africa. While the Department of Defense often plays the most visible role in these efforts, the State Department is charged with developing the overall strategy. State also plays a significant role in security assistance, providing countries like Niger with armored vehicles and other equipment that they need to confidently take the fight to the enemy.

In recent years, DoD funding for security assistance in Africa has surpassed that provided by State. However, thanks to a bipartisan effort by this committee, most of these authorities now require State Department concurrence, as well as joint development, joint planning, and joint implementation. Many also require efforts to bolster democratic values of partner forces, including civilian control of the military. Combating terrorism and building stability is as much a political as military challenge, so the State Department must lead on these efforts.

It is important for members to understand that while successive administrations have used the 2001 AUMF to conduct strikes in Somalia and Libya, the majority of U.S. counterterrorism operations in Africa are carried out under other authorities that Congress has provided. Together these, as we call them, intelligence, surveillance, reconnaissance, and train and equip, and advise and assist missions build the capabilities of our partner forces while helping them to take on current threats.

Of course, military efforts alone cannot defeat radical ideology. Severe poverty, lack of education, local grievances, and weak governance provide the ideal context for this hateful ideology to take hold in the first place. As AFRICOM's first commander told the committee in May, it is in our best interest to focus on sustained development engagement, just as we focus on sustained security engagement. That is a long-term commitment but one in our security interests. And I look forward to hearing how both departments are working to support the development of strong, resilient African governments that deny terrorist groups room to grow.

And let me turn now to our ranking member, Mr. Eliot Engel of New York.

Mr. ENGEL. Thank you, Mr. Chairman. Thank you for calling this hearing and thank you for leading CODEL to Africa. This committee realizes how important Africa is and I am glad that we are having this hearing this morning.

Countering the terrorist groups in Africa is a clear foreign policy priority and it deserves this committee's attention. Mr. Deputy Secretary, Mr. Acting Under Secretary, welcome to the Foreign Affairs Committee.

Around the world hotspots are burning and American leadership is needed, but in the State Department with all the vacancies and all the cutbacks it seems the strategies are muddled or seem muddled, senior posts are vacant, partners and adversaries view the United States with uncertainty. So I hope you can both shed some light today on this phenomenally complex issue.

I have a number of concerns about how we are dealing with terrorism in Africa, and the first is our military involvement there. As the chairman pointed out, the recent deaths of four American service members in an ambush in Niger thrust this issue into the spot-

light. There has also been an increase in the number of American air strikes in Somalia. For those strikes the administration uses the same legal authority to justify military action as it and other administrations have for many other counterterrorist operations all over the world, which is the post-9/11/2001 AUMF, Authorization for the Use of Military Force.

I don't think any of us who voted on that measure—and I did 16 years ago—envisioned that it would be used as a blank check to justify sending our men and women in uniform into harm's way whenever a terrorist threat emerges. We need a new AUMF. We need to have a serious debate about how, when, and where our military is currently fighting.

And I need more answers about those four fallen heroes. I cannot help but wonder what happened to that thirst for oversight we saw a couple of years ago when several Americans died on the African continent in circumstances shrouded by uncertainty. Yet, our military's role in dealing with these extremist groups should be only one aspect of our approach to fighting terrorism.

I agree with the many national security experts who say our strategy must go far beyond fighting fire with fire. We must also look at the root causes that allow terrorism to take hold in these countries. The places in Africa where terrorists operate often face a underlying level of instability. Governments are unresponsive and ineffective in providing for the needs of their citizens.

Some of our closest partners in this effort, Cameroon, Chad, and Uganda, are led by men who have clung to power for decades. In one recent study more than 70 percent of Africans surveyed reported mistrust of the police and military. And that is no great surprise given the behavior of some of our counterterrorism partners: Arbitrary arrests, forced disappearances, and torture in Cameroon; 1,000 protestors killed and another 11,000 detained in Ethiopia; and in Uganda, Kenya, and Burundi civilians speaking up for their rights and demanding accountable leadership are met with violent crackdowns, bloodshed, and killing.

These are the things that drive people toward violent extremism and that attract terrorists seeking to exploit vulnerable populations. When human rights, the rule of law, and justice systems are weak Al-Shabaab, al-Qaeda, and others find safe haven. And that is what we need to focus on. A military-heavy strategy means that we are pushing back against these groups after they are already established. Of course that is important and we should continue doing that, but we must also work to deny these groups the opportunity to flourish in the first place.

The State Department and USAID have the expertise to do that. Our diplomats in development professionals work to promote justice and the rule of law, to build more inclusive societies through better education, healthcare, and economic opportunity, encouraging full participation in societies rather than withdrawing into extremism. These are indispensable tools in the fight against terrorism.

That is why I am baffled that the administration wants to cut the budget for these agencies by a third. Frankly, I am frustrated that the State Department appears to be descending into dysfunction. Not the fault of anybody here, but if you cut back and don't

fill senior positions what else do you have? As we are reading day after day after day about the dysfunction. Foreign policy leaders, from former Secretaries Madeleine Albright to Ambassadors Nicholas Burns and Ryan Crocker, are all sounding the alarm. So I would like to hear how slashing the State Department and USAID helps us stop violent extremism.

How does gutting vital efforts help us get at the root causes of this problem? Why would we cut resources for democracy promotion, for human rights, for foreign assistance when we know that these cost-effective investments will help us grapple with the problem of terrorism?

What I don't want to hear and I won't accept is that we can't afford it. The President is ready to sign legislation that will blow a \$1.5 trillion hole in the budget to give tax breaks to corporations and billionaires, so "we can't afford it" line doesn't pass the test anymore. If we are serious about fighting terrorism, let the military tackle the security threats, but let's make a serious effort to stop it before it starts.

Gentlemen, I look forward to your testimony. I thank you, Mr. Chairman, and I yield back.

Chairman ROYCE. Thank you, Mr. Engel.

This morning we are pleased to be joined by a very distinguished panel. Mr. John Sullivan is the Deputy Secretary of State. And prior to this position he was a partner at the Mayer Brown law firm where he co-chaired its national security practice. Prior to that Mr. Sullivan served in senior positions at the Justice Department, Defense Department, and Commerce Department.

The Honorable David Trachtenberg was confirmed by the U.S. Senate on October 17th. Dr. Trachtenberg is Principal Deputy Under Secretary of Defense for Policy. And he is currently serving as the Acting Under Secretary of Defense for Policy. Prior to his work in the executive branch and private sector he served on the staff of the House Armed Services Committee. So it is good to see him again.

And without objection the witnesses' full prepared statements are going to be made part of the record. Members here are going to have 5 calendar days to submit any statements or questions to you, or any extraneous material for the record.

And if you would, Mr. Sullivan, please summarize your remarks. We will start with you.

**STATEMENT OF THE HONORABLE JOHN J. SULLIVAN, DEPUTY SECRETARY, U.S. DEPARTMENT OF STATE**

Mr. SULLIVAN. Good morning. Thank you, Mr. Chairman, Ranking Member Engel, members of the committee for the opportunity to speak with you about U.S. counterterrorism efforts in Africa.

Last month, Secretary Tillerson hosted an Africa Ministerial that included delegations from 37 countries, the African Union, and members of the private sector and civil society. Advancing our deep and expanding counterterrorism cooperation on the continent was a major focus of the ministerial, along with increasing trade, good governance, and protection of human rights.

To reinforce these priorities, at Secretary Tillerson's direction I traveled to Sudan, Tunisia, and Nigeria 2 weeks ago to engage our willing and increasingly capable counterterrorism partners.

In Sudan, senior leaders stressed their interest in working with the United States to strengthen regional security, and promote greater peace and stability throughout the region and the world. We are encouraged by the Sudanese Government's willingness to work with us to eliminate the threat posed by ISIS and other terrorist groups operating in the region, as well as the government's commitment to cut all military and trade ties with North Korea.

In Tunisia, I met with both the Tunisian and Libyan Governments. Tunisia, like Morocco and Algeria, has made significant strides in preventing the spread of ISIS and other terrorist groups within its borders through the implementation of military and paramilitary operations, greater law enforcement cooperation among allies and partners, and improved measures to reintegrate returning foreign terrorist fighters.

Libya is perhaps our greatest counterterrorism challenge in Africa. ISIS and other terrorist groups have sought to exploit political instability and find safe haven in Libya's vast ungoverned spaces, making the country both a source of and destination for foreign terrorist fighters. We continue to empower the Libyan Government to address these challenges. Libyan Prime Minister Fayez al-Sarraj's government and its aligned forces have been reliable partners in countering these threats, and are in regular communication with the administration and with our Ambassador Peter Bodde.

President Trump and Secretaries Tillerson and Mattis met with the Prime Minister just last week to discuss a range of issues, including counterterrorism. We also strongly back the efforts of U.S. Special Representative Salame to facilitate a political solution and prevent a civil conflict.

Nigeria was the last stop on my trip, and it is a crucial, a critical U.S. partner that faces a number of threats. Nigeria leads the regional fight against Boko Haram, ISIS-West Africa, and other terrorist groups that continue to fuel one of the worst humanitarian crises in the world. Since 2009, terrorist groups in the region have killed more than 20,000 people and abducted thousands of women and girls, causing at least 2 million people to flee their homes. This instability has affected the larger Lake Chad Basin region, prompting the creation of a Multinational Joint Task Force comprised of Benin, Cameroon, Chad, and Niger, all partners that have asked for U.S. assistance to root out terrorism.

We consider it in our national interest to support Nigeria and its neighbors in this fight. To ensure our continued cooperation, we have also underlined to these partners, and those across the continent, that their security forces must be professionalized, brought into an accountable chain of command, and held responsible for human rights abuses.

These principles are also the backbone of our engagement in Somalia, where we are committed to helping Somalia reform its security sector and improve governance, with a focus on reducing corrupt practices and increasing transparency and accountability. In coordination with that effort, U.S. forces are committed to using all

authorized and appropriate measures to protect Americans and to disable terrorist threats such as Al-Shabaab and ISIS.

Somalia is also a prime example of how we are working with the African Union, the United Nations, and other multilateral organizations to counter terrorism, promote stability, and support post-conflict peace building. Regional cooperation has clearly produced results, as we have seen in the creation of the G-5 by Burkina Faso, Chad, Mali, Mauritania, and Niger in 2014. Last month Secretary Tillerson announced our commitment to provide an additional \$60 million in support to the G-5 Sahel Joint Force countries. This is in addition to the more than \$800 million in bilateral assistance we have provided to G-5 countries since 2012 to help develop effective security forces.

In closing, I want to underscore a message that I made clear during all my stops on my trip: While the United States is the largest supporter of peacekeeping and counterterrorism across Africa, the Secretary and I firmly believe that traditional counterterrorism efforts alone are not enough. Economic reform, good governance, and a respect for human rights must be prioritized to establish and maintain peace and security throughout the continent.

We will continue to support our partners' efforts to strengthen democratic institutions; improve citizen security and justice; respect human rights; stimulate economic growth, trade, health, and investment; and promote development and education. The United States continues to emphasize respect for human rights as a fundamental part of our counterterrorism strategy, which includes thorough Leahy vetting of our security force partners.

Thank you for giving me the opportunity to speak with you this morning. And I look forward to your questions.

[The prepared statement of Mr. Sullivan follows:]

DEPUTY SECRETARY OF STATE JOHN SULLIVAN

REMARKS ON CT IN AFRICA BEFORE HOUSE FOREIGN AFFAIRS COMMITTEE

DECEMBER 7, 2017

Good morning and thank you Chairman Royce, Ranking Member Engel, and Members of the Committee for the opportunity to speak with you about U.S. counterterrorism efforts in Africa.

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Benin, Cameroon, Chad, and Niger –all partners that have asked for U.S. assistance to root out terrorism.

We consider it in our national interest to support Nigeria and its neighbors in this fight. To ensure our continued cooperation, we have also underlined to these partners – and those across the continent - that their security forces must be professionalized, brought into an accountable chain of command, and held responsible for human rights abuses.

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We will continue to support our partners' efforts to strengthen democratic institutions; improve citizen security and justice; respect human rights; stimulate economic growth, trade, health, and investment; and promote development and education. The United States continues to emphasize respect for human rights as a fundamental part of our counterterrorism strategy, which includes thorough Leahy vetting of our security force partners.

Thank you again for giving me the chance to speak with you. I look forward to your questions.

Chairman ROYCE. Thank you.  
David.

**STATEMENT OF THE HONORABLE DAVID J. TRACHTENBERG,  
ACTING UNDER SECRETARY OF DEFENSE FOR POLICY, U.S.  
DEPARTMENT OF DEFENSE**

Mr. TRACHTENBERG. Good morning, Chairman Royce, Ranking Member Engel, and members of the committee. Let me begin by thanking you for the opportunity to appear here with Deputy Secretary of State Sullivan. This is my first testimony since assuming my position just a few weeks ago as the Principal Deputy and the Acting Under Secretary of Defense for Policy. But as a former House committee staffer, I am keenly aware of the important oversight role Congress plays on national security issues, and I appreciate being here today.

Before I go any further, I want to express on behalf of the entire Department of Defense our deepest sympathies to the families of the soldiers killed in the Niger ambush: Staff Sergeant Bryan Black, Sergeant La David Johnson, Staff Sergeant Dustin Wright, and Staff Sergeant Jeremiah Johnson. We also hope for the continued speedy recovery of both Captain Michael Perozeni and Sergeant First Class Brent Bartels.

We honor the service and sacrifice of these Americans, and we owe it to them, their families, and their fellow soldiers to investigate the events of October 4th thoroughly. The death of any service member is something that has a profound effect on all of us at DoD, and the investigation is proceeding with due diligence and care.

As we have briefed you and other committees, the investigation is ongoing. And we do not want to provide inaccurate or incomplete information. We must, therefore, wait for the investigation to be completed by AFRICOM before we can have the full picture of what happened. However, we will inform Congress on the conclusions of the investigation as soon as possible after the families are briefed.

That said, we must remember that our efforts in Africa are vitally important. Today our African partners are confronting a complex and growing threat from multiple terrorist groups, including ISIS and al-Qaeda affiliates, and other extremist groups like Boko Haram. These groups exploit instability, weak governance, vulnerable populations, social media, and vast spaces to establish safe havens, spread their toxic ideology, and attack all who do not subscribe to it.

While DoD maintains expert counterterrorism forces, the best in the world bar none, capable of conducting precision air strikes and complex raids to protect our interests, we are focused principally on helping our partners build their own capabilities and expand their capacity to fight these terrorist organizations and stem further violence and instability.

Secretary Mattis has placed a significant emphasis on building and strengthening partnerships to both lessen the demand for U.S. forces and to ensure sustainable indigenous solutions to these problems. In the simplest terms, DoD seeks to work by, with, and through our partners in Africa to find African solutions to African

problems. This means that military operations against terrorist organizations are conducted by host nation forces. U.S. forces work with our partners to train, equip, advise, enable, and accompany them on operations and improve their effectiveness and professionalism. And through this cooperative relationship, the United States and our partners in Africa achieve our shared strategic objectives.

As we work to build partner capacity I want to note that we are not simply looking at military effectiveness, but we also place a high value of professionalization of our partners' militaries and, specifically, to improving their adherence to norms for respecting human rights.

In addition to bilateral partnerships we also seek to work closely with regional organizations like the African Union and the G-5 Sahel Joint Task Force. We also partner with other nations like France, who have committed thousands of troops to share burdens on this vast continent. And, of course, our most important partners are the other departments and agencies of the United States Government.

There is no purely military solution to the terrorism threat in Africa, and DoD is committed to promoting whole-of-government solutions. This requires that we leverage the full range of resources, talent, and expertise to address these problems. This is particularly true of our colleagues in the Department of State and USAID. And we are committed to working together with them to protect the United States, our citizens, and our interests in Africa.

Thank you for the opportunity to testify to this committee on a topic of such critical importance. The Department of Defense appreciates your leadership and oversight in this area, and I look forward to your questions.

[The prepared statement of Mr. Trachtenberg follows:]

**HEARING ON “US CT OPS IN AFRICA”  
DECEMBER 7<sup>TH</sup>, 10 AM, 2017 RHOB 2172**

Good morning Chairman Royce, Ranking Member Engel, and members of the committee. Let me begin by thanking you for the opportunity to appear here with Deputy Secretary of State Sullivan. This is my first testimony since assuming my position just a few weeks ago as the Acting Under Secretary of Defense for Policy, but as a former House committee staffer I am keenly aware of the important oversight role Congress plays on national security issues and I appreciate being here today.

Before we begin, I want to express- on behalf of the entire Department of Defense- our deepest sympathy for the loss of Staff Sergeant Bryan Black, Sergeant La David Johnson, Staff Sergeant Dustin Wright, and Staff Sergeant Jeremiah Johnson. We also hope for the continued speedy recovery of both Captain Michael Perozeni and Sergeant First Class Brent Bartels.

We honor the service and sacrifice of these Americans, and we owe it them, their families, and their fellow soldiers to investigate the events of October 4 thoroughly. The death of any service member is something that has a profound effect on us at DoD, and it is with the upmost diligence and seriousness with which we are conducting our investigation.

The investigation is ongoing, and we want it to be complete. We do not want to provide inaccurate or incomplete information, and we must wait for the investigation to be completed by AFRICOM before we can have the full picture of what happened. However, we will inform Congress on the conclusions of the investigation as soon as possible after the families are briefed.

That said, we must remember that it is an important mission we are doing in Africa. Specifically, we are fighting violent extremist organizations and addressing the terrorist threat in Africa. To that end, my remarks today will discuss:

1. The changing threat landscape with respect to the Islamic State of Iraq and Syria (ISIS) and al-Qa’ida in Africa; and

## 2. Efforts by the Department of Defense (DoD) to counter terrorist threats within this changing threat landscape.

### 1. Changing Threat Landscape

- The United States has been involved in counterterrorism efforts in Africa for the past 20 years. Today, we are confronting ISIS and al-Qa`ida affiliates across Africa, specifically in the Sahel, the Maghreb, and the Horn of Africa, most of which either predated ISIS or initially emerged as unaffiliated extremist groups. These threats in Africa have changed in terms of the actors and the scale and scope of their tactics and activities.
- Terrorist groups exploit instability and weak governance in North, West, and East African countries, some of which rank among the most fragile in the world according to the Fragile States Index. Affiliate and adherent groups of ISIS and al-Qa`ida transit porous borders, seek to establish safe haven in under-governed spaces, recruit from vulnerable populations, and leverage conflict to spread their toxic ideology and attack all who do not subscribe to it
- The United States and its allies and partners must remain committed to combating this threat through strong partnerships and a holistic approach to counterterrorism. We must deny ISIS and other terrorist organizations safe havens from which they can plot attacks and further destabilize the region. We must continue to work with credible voices who can effectively counter the narrative of harmful extremist ideologies used to recruit and radicalize at-risk populations.
- To maintain pressure against terrorist groups in Africa, our successes in the field should be complemented by well-resourced stabilization and longer-term development efforts as provided by the Department of State and USAID. These efforts, principally led by non-military organizations, are critical to preventing terrorist organizations from regrouping and obtaining new safe havens.
- We are applying major lessons learned from the fight against terrorism:
  1. Defeating terrorists cannot be achieved through military efforts alone - it requires a whole-of-government approach and will require resources for U.S. interagency stabilization efforts, particularly those supported by the State Department and USAID; our partner nations

must address their own security issues and the underlying causes of conflict;

2. DoD's "by, with, and through" approach with local partners is essential to building the local capacity needed to address security concerns in the long run; and
3. We must continue to leverage regional solutions to regional terrorism issues in Africa.

## 2. DoD Efforts to Counter Terrorist Threats in Africa

- Turning now to DoD's efforts in the counterterrorism realm, we must focus on promoting whole-of-government solutions that involve political, development, economic, military, law enforcement, and other elements.
- With respect to military efforts, DoD maintains the most capable special operations forces in the world, including our forces in Africa. These forces are capable of conducting focused direct action, including precision airstrikes, and other counterterrorism activities as required. I'd be happy to provide additional details, if needed, in a closed session.
- However, DoD's main effort is the "by, with, and through" approach to countering terrorism which emphasizes working with key partners. This means that
  - Military operations against terrorist organizations are conducted **by** our partners or host-nation forces;
  - U.S. forces work **with** our partners to train, equip, advise, enable, and when authorized, accompany them on operations and improve their effectiveness and professionalism;
  - And **through** this cooperative relationship, the United States and our partners achieve our shared strategic objectives.
- This approach allows us to build partner capacity to address their own security issues, which is absolutely essential for the long-term success of these efforts. This also allows us to minimize our own footprint on the continent.
- As we work to build partner capacity, I want to note that we are not simply looking at military effectiveness, but we place a high value on

professionalization of our partners' militaries, and, specifically, to improving their adherence to norms for respecting human rights.

- This foundational approach is being brought to bear in Africa's Lake Chad Basin, North Africa, and the Horn of Africa. Ultimately, filling the security void in these regions will advance our security objectives and protect our national security interests.
- Secretary Mattis has placed a significant emphasis on building and strengthening these partnerships. In addition to strong bilateral relationships with our partners, we also seek to work with regional security organizations, such as the African Union Mission in Somalia (AMISOM) and the G5 Sahel Joint Task Force. Our NATO Alliance also provides us a ready set of partners for a variety of counterterrorism efforts. We also work through other partnership initiatives, including Presidentially-directed and interagency programs such as Trans Sahara Counterterrorism Partnership (TSCTP), Partnership for East African Counterterrorism (Preact), Security Governance Initiative (SGI) and others.
- All of these challenges require flexible, adaptable tools. We are grateful for Congress's efforts to provide DoD and the Department of State a variety of flexible authorities to support counterterrorism operations and build partner capacity. For instance, efforts to reform U.S. security cooperation authorities in the National Defense Authorization Act for Fiscal Year 2017 have led to a suite of streamlined authorities to fund counterterrorism training, equipment, and other support for counterterrorism partner forces across the globe.
- Regarding legal authorities, the 2001 Authorization for Use of Military Force (AUMF) remains a cornerstone for ongoing U.S. military operations and continues to provide the domestic legal authority needed to use force against al-Qa'ida, the Taliban, and their associated forces and against ISIS.

### 3. Closing

- Thank you for the opportunity to testify to this Committee on a topic of such critical importance. The Department of Defense appreciates your leadership and oversight in this area.
- I'll be happy to address any additional questions.

Chairman ROYCE. Thank you, David.

Let me just say to Deputy Secretary Sullivan that we are very eager to hear about your trip to Tunisia, to Sudan, to Nigeria. All three of these countries are important in terms of our counterterrorism efforts. And while you were over there I know that Secretary Tillerson had several dozen African foreign ministers here for meetings in Washington.

We also had the opportunity on the committee to sit down with Nikki Haley, Ambassador Haley, after her visit to Africa. And we ourselves on the committee have been engaged. We have been to these countries in order to discuss these issues as well.

So we are very glad you made the trip. I think this high level engagement is important. But one point I would make is it can't substitute for the day-to-day efforts of our Ambassadors on the ground there. And as you know, Ambassadors have expressed, and members here have expressed concerns about the redesign. So we, we want to maintain a robust presence overseas, including Africa. And having diplomats on the ground strengthens our counterterrorism efforts there.

Can you and Under Secretary Trachtenberg walk us through the Department of State and Department of Defense on how you work together to build capabilities for our African partners? If you would explain some of that.

And then maybe the other thing that I would like you to focus on is the greatest challenges that you face when working with African militaries and African governments.

I will give you the floor.

Mr. SULLIVAN. Thank you, Mr. Chairman.

Well, the Department of State and the Department of Defense, and in particular AFRICOM, General Waldhauser, and our Ambassadors in the 51 countries on the continent of Africa have developed a very close working relationship. I can give you a particular example that I spent a lot of time focused on during my trip, and that is the cooperation between our Ambassador to Libya Peter Bodde and General Waldhauser on not just counterterrorism but political and economic development, and stabilization in Libya.

If I could for a moment just to address the concern you raised about having Ambassadors in the field, I will be the first to concede, as I have done before this committee, that we have not done enough to get appointees in place in positions at the Department and Ambassadors into posts. But in Africa we actually have 90 percent of our posts have Ambassadors in residence at posts, or they have been confirmed and are en route. So, 44 out of the 51 countries in Africa have an Ambassador.

So that is what I can't describe as a good news story for the Department across all regions, for Africa we do have 90 percent of our Ambassadors at posts.

I will defer to Under Secretary Trachtenberg for further comment.

Mr. TRACHTENBERG. Yes, Mr. Chairman, let me echo what Secretary Sullivan has said. In terms of the relationship between the Department of Defense and the Department of State on this particular issue the cooperation and coordination is extremely good.

What I want to emphasize here is that in many respects the Department of Defense plays a supporting role to the Department of State and other agencies because the problems of terrorism that we are talking about on the African continent deal with, at their very heart, some of the issues that you mentioned in your opening statement: The issue of weak governance in some of these countries; poverty; exploiting local grievances.

Our work within DoD and working with our partner nations is to help provide those partner countries with the capacity themselves to be able to, to be able to defend themselves against extremist organizations in terrorist capacities. But that is, of course, not the end of the story. And so that is why we work very closely with our State Department colleagues to make sure that once security is provided, effective tools can be put in place to improve governance and deal with some of the underlying issues that give rise to some of these violent extremist organizations in the first place.

Chairman ROYCE. My time has expired. I will go to Mr. Eliot Engel.

Mr. ENGEL. Thank you, Mr. Chairman.

Mr. Sullivan, I appreciate all your hard work and your efforts at outreach. I sincerely do. And I think that you are doing an outstanding job. And I appreciate your contact with the committee and your accessibility. But, as you know, and as we have discussed, and as I just mentioned before you cannot pick up a newspaper these days without seeing a headline about how Secretary Tillerson is hollowing out the State Department, and particularly the Foreign Service.

Mr. Secretary, when you testified before the committee in late September you acknowledged that morale at the Department was low. Let me ask you the same question, how is morale today? And what will you do to improve morale and better utilize our country's diplomats?

Mr. SULLIVAN. Thank you, Congressman Engel. Morale hasn't improved. It is not something that I am proud to say. But it is a problem that the Secretary and I have spoken about. He is now on a trip to Europe. He is getting back later this week.

We will be coming up here to brief members of this committee and other Members of Congress and Senators on an update on the redesign which I have testified about previously, and also have a town hall with the employees, the women and men of the State Department to describe the work that has been done on the redesign in the 2 months since I last testified before this committee, but to renew his commitment to the Department. I think one of our greatest failings has been a lack of communication, communication particularly with our own career professionals, both at State and in the field, and a rededication to do a better job of that.

And I, of course, with this committee commit that to you as well that I am committed both to communicating with our men and women about our plans and their value to us, and also to you and the members of the committee.

Mr. ENGEL. Thank you. As I have mentioned before, and I want to say it again on the record that I am very troubled by the redesign. I am worried that the redesign will be used as an excuse to cut back. And I don't think that we should be cutting back at a

time like this when, hopefully, we use diplomacy to prevent wars. And no matter where you go, no matter where you travel around the globe, Africa and any place else, people will pull you aside and tell you how demoralized they are, how they really feel that the administration is sort of going after the State Department. And it really bothers me a great deal.

Those of us that have been on this committee for decades appreciate the good work that our diplomats do and that our people do all around the world, as I am sure you do. But you can't cut back, in my opinion, at the rate that the administration has announced it would like to and have an effective workforce. It just can't be done.

So I raise this because I want to raise it every time because I am hoping that there will be policies that will be rethought and the cutbacks as, you know, we described on this committee, and it was on both sides of the aisle, there was chagrin about the cutbacks. So I just wanted to raise that with you, so.

I am concerned about the imbalance between military and the non-military approaches to countering terrorism in sub-Saharan Africa. For one, expanding use of air strikes in Somalia obviously increases the possibility of civilian casualties, which runs the risk of creating more terrorists than we are able to eliminate in the first place. I said that in my opening remarks.

In addition, while security assistance funding to sub-Saharan Africa partner nations has doubled in the past 5 years—though again 31 percent cut that has been proposed, cutting the budgets at the State Department and USAID on the agencies best positioned to help prevent the emergence of terrorism in the first place, so it's almost like no counterterrorism. And, you know, we worry that the redesign can be used as an excuse to just simply cut back. And that is what we are concerned about on both sides of the aisle. I don't want to put words in anybody's mouth but I have been here and know what our joint concerns are.

So please tell me about slashing funding. I know you didn't personally make this decision, but slashing funding for the State Department and USAID obviously doesn't help us address the drivers of terrorism and violent extremists in the long term, so I would like to hear how we can fit one into the other?

And what measures are we taking to improve civilian protection and reduce the risk of civilian casualties while conducting air strikes and other military operations?

Mr. SULLIVAN. Well, Congressman Engel, I would agree with you that the root causes of counterterrorism, the situation we find ourselves in today, particularly on the African continent, the problems we see are not going to be solved by military action alone. In fact, I think Secretary Mattis has testified and made clear, as has Secretary Tillerson, that a focus on good governance, human rights, training for partner militaries are extremely important.

Your question about how we are going to do that with our funding, we will do all we can with the funds that we have available. We advocate for the resources that we believe are necessary within the administration to meet our mission. We will do all we can to meet that mission, to develop those policies, support our partners and allies with the understanding that good governance, economic

development, humanitarian assistance ultimately—and I will give you one example, Libya. We believe that solving the serious challenges we face in Libya is ultimately a political question. It is not going to be solved by military action or by counterterrorism alone.

Mr. ENGEL. Thank you. My time is up. But I will submit some other questions to you. Thank you.

Chairman ROYCE. Chris Smith of New Jersey.

Mr. SMITH. Thank you very much, Mr. Chairman. Thank you for your testimony and leadership, gentlemen.

Time is obviously very short, so I am going to focus on Ethiopia, South Sudan, and Nigeria. Ever since the Meles government, Ethiopia has asserted its role in combating terrorism as a cover for the ongoing systematic abuse of human rights. After a seriously flawed election in 2005 I met with President Meles in Addis Ababa and, as predicted, he just rolled out the terrorism card as cover, as to mitigate criticism, mine and many others, particularly human rights organizations, for the killings in the streets, the use of torture, the jailing.

In response, I introduced the Ethiopia Human Rights Act. It was killed by lobbyists, frankly, and was not looked at favorably by the State Department even though the findings were accurate when Don Payne, my ranking member, and I introduced it. When the Democrats took control he took the lead on the bill and I was his co-sponsor. But there was also that pushback and people said, well, they are good on terrorism but awful on human rights.

So, what are your thoughts on how, where, how often do we raise human rights with Ethiopia? We have a resolution pending now which probably may come up on the House Floor, I don't know. But it seems to me, you know, they can't say, oh, we are doing well over here while they abuse their own people and torture them.

Secondly, twice in the last 15 months I have been to South Sudan, joined most recently by my good friend and colleague Karen Bass, and we raised with Salva Kiir his horrific record and his killings. And I am wondering, are we really pressing? I know the leadership, especially our Ambassador to the U.N., has really raised it very robustly. Kiir is a grave disappointment to everyone. What is being done there? Because I think that the potential and the reality of violence is very real.

Finally, on Nigeria, I held a whole series of hearings, went there many times, kept saying why aren't we training more of those who could be Leahy vetted? As a matter of fact, at one of my hearings the Department said at least half of the Nigerian military would gain muster under the Leahy process but very few were trained. If you could give an update how well or poorly we are doing in terms of training Nigerian military?

It took years to get an FTO designation for Boko Haram. I held hearings on it and introduced a resolution. The day we were marking it up the Department reverses itself and says, oh, we are going, we are going to go ahead and do an FTO designation. Days late, years late and a dollar short. But how well is that working as well?

Thank you.

Mr. SULLIVAN. Thank you, Congressman Smith.

First on Ethiopia, I met with the Ethiopian foreign minister in June on his trip here. It was one of my first meetings as Deputy

Secretary of State. I raised with him human rights concerns in Ethiopia, specific cases of detainees, the state of emergency that has been declared, the need for it to be lifted. I specifically raised it with him. I will always raise those issues with you, sir. I guarantee it.

Mr. SMITH. I deeply appreciate that.

Mr. SULLIVAN. Thank you. When I was in Sudan we are getting great cooperation from the Sudanese on counterterrorism. I raised human rights issues, religious liberty issues with Sudan, gave a speech on religious liberty at the largest mosque in Khartoum. It was not well received. Had a very unflattering press statement by an imam affiliated with ISIS that made some threats about me. I will always raise those issues. We, the Department and I, are committed to it.

On South Sudan, as you know, Ambassador Haley was there before I. We sort of split responsibility: I went to Khartoum, she went to Juba. She has raised those issues in Juba. I raised concerns about Sudan's influence in South Sudan with the government in Khartoum. Very important issue for us.

Nigeria, I don't know if Under Secretary Trachtenberg has more statistics to give. We are focused on Leahy vetting for as many of the forces as we can at the brigade level on down. The threat posed by not just Boko Haram but ISIS-West Africa in Northeastern Nigeria is acute. And we need to support those forces that can be trusted that are trained by us to meet that threat.

I know that time is limited, so I will turn it over to my colleague.

Mr. SMITH. Thank you, Mr. Sullivan.

Mr. TRACHTENBERG. Thank you, Congressman Smith. The only thing I would add to that is to say that the Department of Defense is no less committed than the Department of State is to ensuring that human rights practices are followed. We very strictly adhere to the Leahy law. We hold our partner forces, the partner forces that we engage with, to our same standards and expectations.

We include human rights training in our security assistance programs. And we would cease providing—

Mr. SMITH. And that includes—if you don't mind me interrupting—that would also include human trafficking where militaries so often are complicit?

Mr. TRACHTENBERG. It includes various elements of human rights—

Mr. SMITH. Including trafficking?

Mr. TRACHTENBERG [continuing]. Involving human rights, sir.

Mr. SMITH. Including trafficking?

Mr. TRACHTENBERG. I believe that is correct.

Mr. SMITH. If you could get back to us on that?

Mr. TRACHTENBERG. Absolutely. Oh, absolutely.

Mr. SMITH. Thank you.

Mr. TRACHTENBERG. But in the event there are human rights abuses we will then, we will stop under the Leahy law that training activity.

Mr. SMITH. Thank you.

But just in terms of that dialog, my hope is that we are robustly raising the trafficking issue as well included in that program.

Mr. TRACHTENBERG. Oh, absolutely. And I will be delighted to get back to you with the information.

Mr. SMITH. I would appreciate it. Thank you so much.

Chairman ROYCE. Greg Meeks of New York.

Mr. MEEKS. Thank you, Mr. Chairman.

Mr. Secretary, welcome back. Let me ask a quick question. I was just concerned or confused, and maybe you can have the answer. On November 28th there was an event at the Wilson Center where Secretary Tillerson said that President Trump's draconian cuts to the international affairs budget were "reflective of an expectation that we are going to have success in some of these conflicted areas."

This to me, I don't know, seemed extraordinarily naive. But can you tell me what specific conflicts do you think will be resolved in the coming year?

Mr. SULLIVAN. I don't have a crystal ball to give you a precise answer, Congressman. I take the thrust of your question about our prospects for being able to achieve success in Syria, Yemen, all of those places. I don't think that that is something that is going to happen any time soon.

We need to be focused on doing all we can to support our partners, our allies, and our military in the military fight but all the things that we can support on that we have discussed the non-military aspect.

Mr. MEEKS. And I couldn't agree with you more because that is why, you know, going on what Ranking Member Engel had talked about because if we are going to resolve some of these it is not going to just be militarily, we need to do it diplomatically also. And that is why I think on a bipartisan way we are disturbed when we see the draconian cuts and the reduction of personnel because we can't do it without you at the State Department. I mean, if we are going to do this thing we need you and we need the people there. And that is my point.

And I know you are under constraints but we need you.

Mr. SULLIVAN. Well, and to give you a very precise example, Congressman. In Syria, in Raqqa; in Iraq, in Mosul where the military in supporting our partners and allies have done the job of defeating ISIS militarily, it is now up to the State Department to come in. We are not going to take over governance of those areas, but we are going to provide basic stabilization support for water, safety, getting internally displaced persons back; a key element for us.

We could very easily lose the fight on those grounds that the military has done such a great job in winning on the battlefield for us.

Mr. MEEKS. And I always salute the men and women of the State Department and the job that you are doing. And I hate to hear your honesty when you come back and talk about the lack of morale there. But they are serving our country in a very big way, in a most important way. If we are going to get through some of these conflicts it is going to only be with the help of the men and women of the State Department. So I take my hat off to them.

Let me just ask another question because I want to know whether or not there is a connection. I am deeply disturbed when I hear about slave trafficking in Libya. And I am wondering whether

there is a tie-in some way where there is a link to the exploitation tied to terrorists and terrorism with some of the slave trading that has been taking place in Libya today. Is there any tie-in that you see there?

Mr. SULLIVAN. I believe there is. The reports of what is happening in those camps where migrants, refugees are being abused, exploited, and slave traded are shocking. It is happening in areas of Libya that are largely ungoverned, which is why we are working hard along with the U.N. for a political solution to the situation to get more control over those areas. But in those ungoverned areas where ISIS and other terrorist organizations are able to operate they make money by engaging in activities like that.

Mr. MEEKS. And you touched on this earlier, too. Because there was a recent survey that was conducted by the United Nations Development Programme that found that 71 percent of respondents pointed to an adverse interaction with state security forces as the factor of the tipping point in the decision to join a terrorist organization. So, and I know Mr. Smith talked about the Leahy vetting, and we talked about human rights training, are there other ways that the administration can or is seeking to ensure that the partner militaries that are accused of human rights violations pursue tangible measures of accountability for such actions?

Mr. SULLIVAN. Two tracks, and you have highlighted both. One is through DoD and with the State Department's support vetting those organizations, military organizations that we are going to work with and provide funding and support to.

But second, working with the governments to provide that there is accountability, there is investigations, prosecutions, and accountability is a key component.

It is similar with our approach on human trafficking, trafficking in persons. One of the pillars—there are several pillars—one is breaking up the networks. But the second is working with governments to make sure that those who are engaged are investigated, prosecuted, held accountable, and punished.

Mr. MEEKS. Thank you. My time has expired.

Chairman ROYCE. We go to Mr. Dana Rohrabacher of California.

Mr. ROHRABACHER. Thank you very much. And thank you for your testimony today. And I know Chairman Royce has had a very keen interest in Africa since the day he arrived in the United States Congress, along with broadcasting. So we are actually paying more attention to Africa today because of his leadership.

I would admit my limited knowledge of Africa. And but let me just note after, my response to what you are saying is that I am wondering how all of this fits in with an overall strategy of how you deal with the world. I would hope that the United States, I don't think we will ever be able to afford what appears to be the development of an idea that we have a Pax Americana, that we can go all over the world and wherever there is problems we are going to come in and try to solve those problems. We are going to go broke if we try to do that.

I mean just there was a Pax Britannica, and that was able to last a short period of time. And a Pax Americana will last a short period of time if we did that.

We, for example, can we by being the grand decision makers end up making, yes, some good decisions and trying to help? We are good-hearted people trying to do the best. But, for example, Mr. Sullivan, do believe now that you just came back from Libya, do believe that it was right for us to break that compromise that had been reached with Qaddafi, for example. Would it have been—are we worse off today or better off today because America came in and decided we are going to get rid of Qaddafi and sided with the rebels who they wouldn't have succeeded without our help? Is Libya better today or is the world better because we got rid of Qaddafi?

Mr. SULLIVAN. Well, in my remarks, comments to Congressman Meeks I spoke about the ungoverned areas in Libya. Libya is certainly today a place that has a significant focus of our counterterrorism for that very reason. What we don't want is a place where, as there was in Sudan in the 1990s, or Afghanistan in the late '90s, early 2000s, places where terrorist organizations can plant root, flourish, plan attacks against the United States. That is what we want to eliminate, in addition to supporting governments in the region.

Mr. ROHRABACHER. And when we had Qaddafi there, you know, I think the greatest mistakes, there were two great mistakes made by the United States in my lifetime. One was to send combat troops into Vietnam, and the other is to send combat troops to get rid of Saddam Hussein. And Saddam Hussein was just benevolence; we had to bestow democracy on those people. And it has unleashed all of this chaos.

I don't believe that we can have a Pax Americana. We have to be really a little bit more thoughtful. For example, Congressman Smith just talked about Ethiopia where I have constituents who were ripped off by the Ethiopian Government, and the corruption there and the oppression now, even though we have been friendly to the Ethiopian Government. But there is a player in all of that that I see and I would like to ask you about, and that is money.

These people who run these dictatorships, and also these groups that are terrorist groups, but mainly the authoritarian leaders in Africa, do they not have bank accounts someplace in the world? And can we prevent them—our bankers, we have got global bankers who are basically partners in the rip-off of the world's poorest people. And we just never seem to focus on that part of the criminal element, the bankers. Could you?

Mr. SULLIVAN. That is an extremely important point and relevant to my trip to Nigeria where the Nigerian Government is focused on recovering billions that has been looted from that country.

We work with the Justice Department. When I was there 2 weeks ago with our Justice Department, our Embassy, and the Nigerian Government trying to get back to the Nigerian Government that money that was in the United States that we could get control of. It is a small fraction.

Mr. ROHRABACHER. I don't think I am just talking about United States banks. We have an international banking system. And quite frankly, the gang that runs Ethiopia—

Mr. SULLIVAN. Right.

Mr. ROHRABACHER [continuing]. Have bank accounts somewhere to the tune of billions, probably hundreds of millions of dollars. But that is true throughout Africa.

Mr. SULLIVAN. Absolutely.

Mr. ROHRABACHER. I think that if we are going to help, rather than just trying to be holier than thou about human rights violations, that this is our stance, let us agree and try to help them develop. We have got to prevent them from being ripped off and having the wealth sucked out by their corrupt leaders in partnership with banks.

Mr. SULLIVAN. You are absolutely right. And it is banks outside the United States—

Mr. ROHRABACHER. Right. That is right.

Mr. SULLIVAN [continuing]. That are principally the focus.

We try to establish trust with the government by saying that money which we can immediately access here in the United States we are going to get back to you, but also work with them in other countries for those other banks elsewhere where we don't have as much—we don't have jurisdiction, frankly, but working to get that money back.

It is a huge problem and a priority for those governments that are focused on good government.

Mr. SULLIVAN. We will be happy to work with you. Thank you very much.

Mr. SULLIVAN. Thank you.

Mr. ROHRABACHER. Thank you.

Chairman ROYCE. Thank you. We go to Mr. Albio Sires of New Jersey.

Mr. SIRES. Thank you, Mr. Chairman.

Mr. Sullivan, I just want to first thank you for your service to this country. You have served in many capacities and now you have got a real difficult job, and I thank you for your service.

But I do not agree with you that the State Department morale is improving. I still see qualified people leaving. I still see the President still insisting on a 30 percent cut. The Secretary seems to be a little distant from everything. So I don't know if I really agree with you that things are really improving there.

You know, until we stop losing all these good people that have worked there so long and have given so much to the State Department, you know, it is going to be a job for you.

So, go ahead.

Mr. SULLIVAN. I was going to say that I don't think I said that morale was improving, if I did I misspoke. I testified here—

Mr. SIRES. I thought that is what you said.

Mr. SULLIVAN. No, I said it hasn't improved.

Mr. SIRES. It hasn't improved.

Mr. SULLIVAN. It has not.

Mr. SIRES. It must be my English then. I'm still learning it.

Mr. SULLIVAN. It's my Boston accent. I'm sorry.

Mr. SIRES. But, Mr. Sullivan, one of the things that I always pride myself on is freedom of speech. You know, I have been an advocate here for a long time, since I have been here. And I am disheartened by the President's unrelenting effort, the State Department's efforts to defend freedom of speech around the world. What

is the rationale behind the administration's putting money toward free press programs

in places like Hungary, but yet when it comes to Cuba we cut it, when it comes to Venezuela we cut it? Who determines where this money goes? How is that, you know, for promoting free press in these countries?

Mr. SULLIVAN. Well, it is certainly the case that Secretary Tillerson and I in the Department are strong advocates for freedom of the press. I raised this issue on my travels in Africa 2 weeks ago.

With respect to specific allocations, I would have to get back to you on Cuba and Venezuela. It may have to do with partners that we were supporting there.

I am aware of the program in Hungary to which you reference. But I would be happy to get back to you on more specific information with respect to Cuba and Venezuela.

Mr. SIRES. That would be great.

And how concerned are you that the Libyan situation is going to spill over into Tunisia and Morocco?

Mr. SULLIVAN. Very concerned, as are the Tunisians in particular. We spent a lot of time focused on border security for Tunisia. We work in partnership with DoD and AFRICOM on border security, and not just the land border but the maritime border as well. Very important. Tunisians are concerned about it. We are devoting a lot of resources to it.

Mr. SIRES. And Morocco?

Mr. SIRES. Morocco as well. Same situation.

Libya is, as I said in my opening remarks, both a magnet for foreign terrorist fighters and a source. So we are doing all we can. And I would defer to Under Secretary Trachtenberg if he has other thoughts to offer. But border security for those North African countries on either side of Libya is extremely important.

Mr. TRACHTENBERG. I would agree with that, Congressman, absolutely.

Mr. SIRES. Do you see the hand of Iran in all these efforts?

Mr. TRACHTENBERG. I think Iran is definitely a challenge, certainly regionally. And, yes, there are a number of malign activities that Iran is engaged in that we are focused on that I know the State Department is also focused on. And I do agree, we need sort of a whole of government approach for dealing with some of these issues. But definitely I would agree with you on that.

Mr. SIRES. And I just read an article on Politico regarding Hezbollah, their increasing efforts in the Western Hemisphere. And I don't know if you saw the article but it would be great if you could look at that because it really talks about how they have increased their presence in Central America and South America and in Venezuela. So I was just wondering if you can comment on that?

Mr. SULLIVAN. Yes, I can in fact. The administration is working on specifically a Hezbollah strategy. And there are various aspects to it. There's Hezbollah in Lebanon which has become in a sense a local governing entity in southern Lebanon in addition to a terrorist organization that are influencing events in Syria. But they are also projecting their malign influence elsewhere including, un-

fortunately, in this hemisphere. You are absolutely right. And this administration is aware of it and focused on it.

Mr. SIRE. And I would like to apologize for not hearing correctly what you said before at the beginning.

Thank you.

Mr. MCCAUL. [Presiding.] The Chair recognizes myself for questions.

I chair the Homeland Security Committee and so I have been a student of counterterrorism for quite some time. Was a Federal prosecutor as well. I know Osama bin Laden was in Khartoum and Afghanistan. I saw the rise of ISIS and the Caliphate during the tenure of my chairmanship, unfortunately. We have crushed the Caliphate, and we have defeated ISIS in Iraq and Syria.

But now I am seeing a new phenomenon. I went to Egypt and the Sinai and we saw the explosion in the mosque, the downing of the Russian airliner. I was in Tunisia, met the Libyan team. It is in chaos.

Boko Haram is taking over in parts of Africa, AQIM and other terrorist organizations.

What I am worried about is that as we squeeze the balloon they are going to pop up somewhere else. And Africa seems to be the safe haven. They seek chaos. They seek ungoverned territories and safe havens. And so I see if we are trying to look in the future it is actually happening now that Africa is going to be the spot. This is going to be the hotspot.

There is a Trans-Sahara Counterterrorism Partnership that includes 11 African countries. I know State has worked very diligently on this. And, Mr. Secretary, I was just hopeful you could give me maybe an update on how that partnership is working.

Mr. SULLIVAN. Well, the phenomenon you described is quite accurate, Congressman. And we are—and I will defer to Under Secretary Trachtenberg on this—but we are very focused on where those terrorist fighters that are leaving the Caliphate, what is left of it—and there isn't much—in Syria and Iraq, where they are going. Certainly Africa, parts of Africa, Libya, Northeastern Nigeria, elsewhere seems to be a landing place.

But we are also seeing that in other areas, in South Asia and in the Pacific as well, in the Philippines.

Mr. MCCAUL. Right.

Mr. SULLIVAN. So it is a priority for us to not win the fight against the Caliphate in Syria and Iraq but lose track of where all those, where all of those foreign fighters are going.

Unfortunately, Libya has been an attractive place for them because of the ungoverned areas that I described earlier, and that you mentioned and know so well.

But I defer to my colleague Under Secretary Trachtenberg.

Mr. TRACHTENBERG. Congressman, I think you put your finger on the crux of the problem here when you talked about victories in certain areas but yet leading to problems in others.

I tend to look at this, the problem of countering terrorism and extremist organizations, as something like a balloon, if I could use that analogy. If you squeeze the balloon in a certain place you will narrow it and take the air out of that place, but it will also balloon in other area, will expand in other areas. I think to a certain de-

gree that is what we are seeing by the flow of foreign terrorist fighters from one area to another.

I think our job is working by, with, and through our partners, and working with our colleagues at the State Department and elsewhere is to deflate the balloon in order to solve the problem of terrorists and extremist groups moving simply from one location to some other ungoverned space where they feel they have freedom of, more freedom of action.

Mr. MCCAUL. Can you comment on the role of NGOs? I was at the Munich Security Conference. I met with Bill Gates, the Gates Foundation; they do some great work in Africa. Bono and the ONE Campaign. Is that helpful, Secretary?

Mr. SULLIVAN. NGOs are not just helpful but essential. We partner with them everywhere, particularly for humanitarian assistance. PEPFAR relies on partnering with NGOs. Really key, key for us.

Mr. MCCAUL. That may be key to stability. I think what we need is stability.

Mr. SULLIVAN. Stability.

Mr. MCCAUL. And it is very fragile and unstable.

Mr. SULLIVAN. Good governance, health, economic development, humanitarian assistance. Basic stability issues that we need in places like Raqqa or in Mosul for just water, sanitation, demining, medical services, all key things that need to be restored in places that have just been decimated.

Mr. TRACHTENBERG. I agree with Secretary Sullivan on that, sir. It is true again, again what DoD is doing is basically attempting to work with our partners in the region to establish the security conditions that will allow these other priorities to be put into place in order to deal with some of the underlying reasons for the rise of terrorists and extremist activities. So absolutely concur.

Mr. MCCAUL. Thank you. I agree and thank you for that testimony.

The Chair now recognizes the gentlelady from California Ms. Bass.

Ms. BASS. And let me just say I appreciate your questions about NGOs. I am hoping that somewhere down the line we can look at how we do foreign assistance because I think in some instances some of the countries could do for themselves, and maybe we need to focus on infrastructure like electricity and roads and things like that. So I look forward in the future to working with you on that.

A couple of quick questions. Mr. Sullivan, there were a few times that you kept referring to 51 African countries. Why? Is that because we are involved in 51 as opposed to 54? But why?

Mr. SULLIVAN. Fifty-four posts where we have, have Ambassadors.

Ms. BASS. Oh, I see. There is three countries where we don't?

Mr. SULLIVAN. Right.

Ms. BASS. I see. What is that? Eritrea?

Mr. SULLIVAN. Yes, Eritrea—

Ms. BASS. That is okay.

Mr. SULLIVAN. Sudan we have a Chargé because we can't deal with Bashir, the President. And there is a, there is a third.

Ms. BASS. Well—

Mr. SULLIVAN. So there are three where we don't. But I will get, get those for you.

Ms. BASS. Okay. And since you mentioned Sudan, since we are, you know, in the process of changing our policies there, what is the trajectory? Do we see having more than a Chargé or?

Mr. SULLIVAN. I don't see that. That is not a near-term development that I foresee.

Ms. BASS. You don't see that changing?

Mr. SULLIVAN. My hope is that it will. I am not counting on that. My visit there was to discuss all the work that we have to do with Sudan going forward.

We took one step,—

Ms. BASS. Right.

Mr. SULLIVAN [continuing]. As we discussed in October. There are a lot more things that need to happen before we have full, normal relations with Sudan.

Ms. BASS. And maybe in another setting I could hear some more details about that. I think that would be helpful.

Mr. SULLIVAN. As we discussed before my trip,—

Ms. BASS. Yes.

Mr. SULLIVAN [continuing]. I would be delighted to come talk with you and give you a little more detail.

Ms. BASS. All right. And I, so I am wondering if you can—I wasn't here when my colleague asked questions about Libya, but tomorrow representatives of the Congressional Black Caucus are meeting with the Ambassador from Libya, deeply concerned about the whole situation that CNN exposed regarding the slave trade. And in general, I mean once Qaddafi was overthrown the sub-Saharan Africans that were in Libya were mistreated from the beginning because they were viewed as pro-Qaddafi forces.

And so I was just wondering if there is anything you might offer us in preparation for that meeting with the Ambassador tomorrow, what is your view on this, specifically around the slave trade that has been exposed?

Mr. SULLIVAN. Meeting with our Ambassador, with Ambassador Bodde?

Ms. BASS. No. No, no, no, no, no, meeting with the Libyan.

Mr. SULLIVAN. The Libyan. Oh, I am sorry, the Libyan Ambassador.

Ms. BASS. With the Libyan Ambassador tomorrow.

Mr. SULLIVAN. Oh. So, two aspects of it, two really. One is the camps themselves in Libya which are difficult for us to get to because they are in, as I have discussed, in ungoverned areas for the most part where neither the GMA, the government in Tripoli, Prime Minister Sarraj, or the Haftar group in Eastern Libya really have access to. So that presents a real problem for us in trying to directly address the problem.

The larger issue for us, though, is the countries that those migrants, those refugees came from and addressing the situation in those countries, why they left, why they left Nigeria—

Ms. BASS. Right. Right.

Mr. SULLIVAN [continuing]. In the first place.

Ms. BASS. And, you know, on another note I want to ask you one more question before my time runs out. But maybe there is some-

thing that we can do with the E.U., especially with this whole policy of sending people back and not knowing where they are going back to.

I wanted to ask you a question about Chad. Chad's decision in October to withdraw troops from the Multinational Task Force, some analysts believe that that is one of the things that led to the instability along the border and the attack on our Special Operation Forces. And I wonder if Mr. Trachtenberg can make a comment in that?

Mr. TRACHTENBERG. Thank you, Congresswoman. We, from a DoD perspective, we have not seen any impact, operational impact in terms of our ability to work with the Chadian forces as part of our partnership, counterterrorism partnership activities.

Ms. BASS. Did we figure out why they were included in the Muslim ban, considering that they were our allies?

Mr. TRACHTENBERG. I, I do not have an answer. Do not have an answer.

Ms. BASS. I mean that is what led to them pulling out of the Multinational Task Force isn't it?

Mr. TRACHTENBERG. All I can tell you, Congresswoman, is that at least operationally we see no impact in terms of our ability to work with them as partners.

Ms. BASS. So you don't think that had anything to do with the attack on our Special Forces?

Mr. TRACHTENBERG. I cannot—that is a question I would have to take for the record. I can't, I can't answer that.

Ms. BASS. One last question. Do you know how many troops we have on the continent? I mean, after that attack that really raised a lot of questions because we thought it was a few hundred. How many U.S. troops are there on the continent of Africa?

Mr. TRACHTENBERG. I think the issue of the troops that we have, the actual numbers and their locations is an issue that I would prefer not to address in an open session.

Ms. BASS. Okay. Thank you. I yield back my time.

Mr. CURTIS [presiding]. Thank you.

We now go to Representative Ted Poe, chairman of the Subcommittee on Terrorism, Nonproliferation, and Trade.

Mr. POE. Thank you, Mr. Chairman. And congratulations on being chair of this committee in such a few months.

Thank you, gentlemen, for being here.

Mr. CURTIS. Thank you.

Mr. POE. I am not going to let you respond.

I do want to comment on something the gentlelady Ms. Bass made a comment earlier. Just for the record, the committee has passed, and the House has passed, and it is the law of the land that there will be an audit of foreign aid. And we will have that, supposedly, audit in January to see what all those NGOs are doing all over the country, all over the world, whether they are working or not working. I think it is long overdue. So, I look forward, as you do, to that information.

And I also want to follow up on the issue of Libya specifically. The United States in my opinion recklessly intervened in Libya in 2011. We toppled the regime. We all thought we were doing such a great thing. But Libya turned into a failed state. Another failure

in American foreign policy to topple a regime and then let it go into disarray. And because of that, now we have Libya with all of its different tribes, and groups, and governments all in Libya trying to control the Government of Libya. And a lot of these groups, in my opinion, are terrorist groups.

And now we know that Libya is a center point for people who want to get out of their situation in Africa being fooled to think that they can get to Libya and then go across the Mediterranean, primarily to Italy. And people are being lied to that they will be smuggled, and get a job, and all of those things that we have heard about for years. And they are lied to, primarily women and children, and all of a sudden they are in the slave trade.

They are being kidnaped by modern day slave masters. They are turned into slaves. They are sold on the marketplace of slavery and human trafficking, some for \$100. And bad things only happen to them.

Now it is not just the western part of Africa where the smuggling route takes place, it is taking place from many different areas of Africa, folks just trying to have a better life and then they are in the slave trade.

I wouldn't say that the United States is at fault of this, but we destroyed the regime. And it is chaos in Libya. I have a couple of questions.

Specifically what terrorist groups are involved in the slave trade?

Mr. SULLIVAN. I would have to get back to you for a specific answer. I can speculate.

Mr. POE. All right.

Mr. SULLIVAN. I will have to get back to you with a—I want to give you a precise answer. If I could take that for the record, because I don't want to speculate.

I don't know if the Under Secretary may have more relevant information.

Mr. TRACHTENBERG. No. I would also, I would also want to take that for the record.

Mr. POE. Okay. Well, we will hold you both accountable for that because we want to know who those, who those bad outlaws are and then develop a continuous policy of going after them.

What is the United States' foreign policy regarding Libya today? After all these years since 2011 tell us what our policy is? What is our goals? What are we trying to do? Who do we support in Libya?

Mr. SULLIVAN. We deal with Prime Minister Sarraj who is the head of the GMA, his government in Tripoli. There is a Libyan political agreement in place that has been negotiated by, as you have mentioned, all the relevant tribes and entities.

There is a process in place, led by a U.N. representative, a representative of the Secretary-General. The United States supports that political process to bring all those disparate elements together, to come up with a political solution so that we can have elections, which are scheduled next year, and have a legitimate government in Libya that we can deal with.

Mr. POE. Okay. Mr. Secretary, just to reclaim my time since I am just almost out of time. Now that we know about the slave trade and that Libya is a hub of the slave trade, what are we doing about

that specific issue regarding Africans who are smuggled through Libya into Europe in the slave trade?

Mr. SULLIVAN. Two things. We have got a preexisting program, Trafficking in Persons. Libya has become a key focus of that. Trafficking in persons is a global problem. This is an acute problem we have to address in Libya. That is first.

Second, we need to address the political and economic situations and support the governments in countries like Nigeria where those people are fleeing, leaving themselves open to be abused in camps in Libya.

Mr. POE. I will look forward to that list of terrorist groups. Thank you, gentlemen.

I yield back.

Mr. CURTIS. Thank you, Mr. Chairman. And thank you for that shout out as well.

The Chair recognizes David Cicilline from Rhode Island.

Mr. CICILLINE. Thank you. Thank you to our witnesses for being here.

Mr. Sullivan, I want to begin with you. The President has declared his support for a tax bill that will add \$1 trillion to the national debt, yet he, Secretary Tillerson, you, and others in the administration continue to use the deficit as an excuse for the deep cuts that have been proposed to the State Department and foreign assistance. So I am just wondering whether in light of this development whether your position has changed or whether you think it is still necessary or desirable to support a 30 percent cut in USAID and the State Department?

Mr. SULLIVAN. Well, as Secretary Tillerson has testified, we believe we can perform the mission of the State Department with the budget—

Mr. CICILLINE. So it is still the position—

Mr. SULLIVAN. Yes. Yes.

Mr. CICILLINE. Your position hasn't changed though. We are going to add \$1 trillion to the deficit for this tax bill but that we still need to make these devastating cuts to the State Department and USAID because of the deficit? Okay, your answer is yes?

Mr. SULLIVAN. My—I didn't take the position on the tax bill. I—

Mr. CICILLINE. No, no, but you take the position that the deficit—

Mr. SULLIVAN. On the budget.

Mr. CICILLINE [continuing]. So the reason that we are making a 30 percent cut in the State Department and USAID that you support as Assistant Secretary?

Mr. SULLIVAN. I support that budget. Yes, I do.

Mr. CICILLINE. Okay. Now, and you don't think there is any concern that our allies and partners around the world might not believe us next time we say we want to disengage from a program because we don't have resources? You don't think—do you think it has any impact on the perception of the world about U.S. leadership and global engagement?

Mr. SULLIVAN. Well, the Department, the President has made the case that we believe that it is important for countries that

haven't stepped up for these programs that they step up their commitment.

Mr. CICILLINE. So I take it the answer is no.

We are here to talk about counterterror operations in Africa. And you mentioned that 90 percent of our Ambassadors are in place now, which is terrific. But I think you will agree that counterterrorism operations in Africa and the Middle East are inextricably linked. And my first question is do you think you can achieve, or we can achieve our goals for the region without an Ambassador in Saudi Arabia, Turkey, Jordan, Qatar, Yemen without an Assistant Secretary for Near Eastern Affairs?

Mr. SULLIVAN. I am sorry, can we keep our policies—

Mr. CICILLINE. Can we achieve our objectives without these positions even being in place, doing the work that is required of each of those Ambassadors and each of those Secretaries?

Mr. SULLIVAN. Each of those positions is filled and we are doing the work. We could do it better if those positions were filled with Senate-confirmed individuals.

Mr. CICILLINE. But they are not filled with Ambassadors, they are filled with acting individuals; correct?

Mr. SULLIVAN. Chargés.

Mr. CICILLINE. So, we have 50 percent of the positions in the State Department and USAID where an individual hasn't even been nominated for the position; correct?

Mr. SULLIVAN. I will take that number, yes.

Mr. CICILLINE. Okay.

Mr. SULLIVAN. I believe that is roughly accurate, yes.

Mr. CICILLINE. 50 percent. That includes the, all of the Ambassadors I just mentioned and a number of additional positions. Fifty percent. You know, we keep hearing, oh, it is because the Senate is slowing down. The administration hasn't submitted half the people for these positions that are necessary. What is the delay?

Mr. SULLIVAN. Well, the delay in part is—

Mr. CICILLINE. And how are we expected to do, advance the work of the United States, and the national security interests, and the diplomatic work? We can't engage in robust diplomacy without diplomats. Do you agree?

Mr. SULLIVAN. I would agree with that. We have—

Mr. CICILLINE. Okay. So I hope you will do everything you can to encourage the President to actually appoint people to these very important positions that the rest of the world is wondering what we are doing and why we are not engaged. I hope you will take that message back.

Next I would like to ask you about a very serious issue with respect to child soldiers. There is serious concern in the Congress over reports that Secretary Tillerson acted in contravention of the Child Soldiers Prevention Act by not listing Afghanistan, Iraq, and Burma among those countries who use child soldiers. We know that the State Department's legal advisor, every relevant office and bureau, and even our Embassies abroad believe that these three countries were required by statute to be listed but they were not.

As you know, the Child Soldiers Prevention Act requires the State Department to list any country, even if it is believed the countries were making progress, that used child soldiers during the

year, without exception. Can you tell me why Secretary Tillerson chose to ignore the advice of so many State Department experts and the framework of the Child Soldiers Prevention Act and not list these three countries?

Mr. SULLIVAN. Based on the advice he got, he applied his judgment applying the statute to the facts that were presented to him, and made that decision—

Mr. CICILLINE. So the advice he got was to the contrary, it was to list the three countries. Do you know why he didn't?

Mr. SULLIVAN. I, he, as I say, he applied his judgment, applied the law to the facts.

Mr. CICILLINE. What does that mean?

Mr. SULLIVAN. That means that he applied his judgment based on the recommendation he got, the materials that were presented to him. It was his judgment to make.

Mr. CICILLINE. Okay. Next, Mr. Sullivan, could you tell me, I recently visited the Central African Republic and saw the important work of the U.N. peacekeepers there. And I would be interested to know what we can do to better support the U.N. peacekeeping mission. I think in that particular place we are at a very sort of tipping point, and that mission we want to make sure is successful. And what can we be doing, what can the United States be doing to better support U.N. peacekeepers to be sure that they have both the training and the equipment that they need to be successful?

Mr. SULLIVAN. Well, CAR in particular has been an important topic for Ambassador Haley at the U.N. in working with the Secretary-General to improve both the efficiency and effectiveness of peacekeeping operations generally, but in CAR in particular. It is a very important mission for us.

Mr. CICILLINE. And my very last question, Mr. Sullivan.

A recent survey conducted by the U.N. Development Programme found that 71 percent of respondents pointed to an adverse interaction with state security forces as the factor that was the tipping point in their decision to join terrorist organizations. Aside from Leahy vetting and human rights training, in what ways is the administration seeking to ensure that partner militaries accused of human rights violations pursue tangible measures of accountability for such actions?

Mr. SULLIVAN. As I testified earlier, accountability, not just vetting of the organizations, the particular military units or police units, but accountability, investigation, prosecution, and accountability by the government of those units is a key part of our program to ensure we are not enabling organizations that violate human rights. And not only just completely counter to our mission, which is to eliminate the terrorist threat rather than create, as the statistics you cite, having organizations that abuse people creates more terrorists rather than reducing the number of terrorists.

Mr. CICILLINE. I thank you very much. And I yield back, Mr. Chairman.

Chairman ROYCE [presiding]. Thank you. We go to Adam Kinzinger of Illinois.

Mr. KINZINGER. Thank you, Mr. Chairman.

And I appreciate both of you being here today. I know it is probably the joy of your week to look forward to coming and testifying

in front of Congress. But we love having you here, and thanks for your service to your country.

A couple of quick points and then I will get to my questions. The issue of Libya was brought up earlier by my good friend. And I do want to make the point because I think it is lost a lot. People say, well, look at Libya, intervention in Libya failed. I think it was the post-Libya intervention that failed. I think when you take out leadership and then you basically walk away from a country there is no doubt you are going to have issues with governance.

But I do like to point out the fact that compare Libya to Syria. In Libya, as difficult as it is right now, and as challenging as it is, there is not ½ million dead Libyans right now. And there is not a generation that is being churned into refugee camps to the great extent that Syria is.

So I think when you compare the idea of intervention and you look at Libya and you look at Syria, I would much rather have Syria look like Libya than Libya look like Syria. I think it is an important point. It doesn't mean we didn't fail at follow-up. I think follow-up we did fail. We basically walked away and said, here, fix it.

The other point I think, and I know it is kind of a aggressive way to say it, but I think it is important. I think this fight on terror, this war on terror is basically the equivalent of a low grade World War III. And we are fighting an enemy all over the world. We have been—I am a veteran of the wars and so that, you know, I have been in the military now 13 or 14 years, and I expect that probably the next generation to follow me is still going to have to fight this war to some extent.

So, Mr. Sullivan, my question on that is when we look at Africa and we look at the Iron Curtain of poverty, which I call it, and you look at this kind of lost opportunity, today there is 15 countries in sub-Saharan Africa where half of the population is under the age of 18. And combined with that tremendous youth bulge is the fact that about 60 percent of Africa is unemployed or under the age of 25. And that demographic represents the prime recruiting pool for terrorist groups like Boko Haram, Al-Shabaab.

I was in Kenya and saw a USAID project where we built a milk co-op and, frankly, gave villages opportunity and hope. And they were extremely excited to meet me. They had never seen Adam Kinzinger, but they knew I was a guy from the United States Congress and they knew that we had changed their lives. And it is in villages like that where you will never, ever be able to recruit an enemy against the United States.

And so, Mr. Sullivan, that is where I consider your job especially important is conflict mitigation, in denying terrorists recruits around Africa. Given that this administration has placed a huge priority in fighting terrorism, how is the State Department working to address underlying causes of radicalization, including lack of political opportunity, political marginalization, economic opportunity?

Mr. SULLIVAN. Well, it is extremely important for all the reasons you say. And one thing that I would point out and emphasize a point you made which is for our support—and I am focused, I am thinking now of particularly in programs in Iraq now—for large areas of Iraq that have been recovered from, from ISIS we found

that the most effective programs are the small, are really small scale.

Large-scale projects we have wasted huge amounts of money in Iraq, Afghanistan, elsewhere. Smaller scale projects on the village level. And we have got a number of projects, a large number because they are small but they total almost \$150 million, for areas of Iraq that we need to contribute to stability so that internally displaced persons can go back. But the focus has to be on the local level.

These large macro projects, in my opinion, where we invest, have invested billions it leads to corruption, graft, all of that. Focusing on the local level where there is a real impact on individual lives, that is where we need to be.

Mr. KINZINGER. That is why I hope maybe the State Department can do a better job of, in essence, bragging about those achievements because, look, I am fighting people in my own party, some that want to zero out the entire State Department; right? And I think on the other side of the aisle, my friends over there sometimes think that any budget cut is going to lead to chaos all around the globe.

What we want to do is have a State Department that is efficient and effective. And so I think those small-scale projects, conflict mitigation, a fight in a village in Iraq, for instance, that never happened because we brought two sides together and they learned to kind of live together is the stuff that we need to talk and brag about.

Because I love DoD. I am a member of DoD as a reservist. I just want to use them less. And because when you have to use DoD it gets really expensive and people lose their lives. And, frankly, me and my fellow pilots are kind of tired of having to deploy all the time, but they are really good at what they do.

So, I want to thank you both again for being here. And I would just encourage you to always think, in the State Department to always think in terms of, and frankly anybody listening, there is a lot of conflicts that are mitigated that we never hear about. And I think it is extremely important that you guys get that message out so the folks here sitting behind can support it.

So thank you, and I yield back.

Chairman ROYCE. We go to Lois Frankel of Florida.

Ms. FRANKEL. Thank you. And thank you to the witnesses for being here.

My concerns that I want to talk to you about today is the impact on the women of the world—and I know specifically we are talking about Africa—with some of the current action or inaction of the State Department. And just to pick off, pick up where Mr. Kinzinger, some of his comments which was that the population of Africa over 1 billion, 60 percent under the age of 25, 40 percent living in poverty, and obviously the poor governance, corruption, economic exclusion. And I want to pick up on the weak health systems. All which lead to terrorism and the recruitment of especially young men to be terrorists.

And my concern is that there seems to be an obsession on the Republican side and our President with abortion. And because of that obsession and the failure to recognize that the Federal Gov-

ernment does not fund abortion that we have taken the gag rule too far, we have taken, we have defunded programs at the U.N. which are cutting off health, reproductive, access to contraception, access to AIDS prevention to the women of these countries, which has large impact on what goes on. I am sure you would agree with that.

So, my question to you is what are you doing about that? You, I think you were here one time, or Secretary Tillerson was here, he said there was going to be a review of the global gag rule to include assessments of any harm caused by the politics to women and the girls that receive U.S. global health assistance.

I think I asked you about, I'm sorry, Mr. Sullivan, I asked you about the downgrading of the Office of Global Women's Issues. We still don't have an Ambassador and I still am concerned about that. So I would like to have your comment on those issues.

Mr. SULLIVAN. I will have to get back to you on the effect of the gag rule. I will take that for the record and I will get back to you.

We have—the process for selecting the Ambassador, we identify the person but then they have to go through vetting. It takes a while. That position is going to be filled. You have my word on that.

Ms. FRANKEL. Okay, well, I appreciate that. In the meantime, what about downgrading the office? You serve the office—you report directly to the Secretary; is that correct?

Mr. SULLIVAN. Yes.

Ms. FRANKEL. And now that position is going to be downgraded?

Mr. SULLIVAN. Well, there were almost 70 offices, all of which reported directly to the Secretary. So we have tried to rationalize the system so that each of those offices is placed in a bureau that would provide support to that office because the Secretary, the Office of the Secretary is small, it is one person. So we don't characterize it as a downgrade.

Ms. FRANKEL. Well, my concern will be the ability of that bureau that you are talking about, the issues that involve women are so diverse you can't, it is very hard to just put them in one little pocket. And you are dealing with economic issues. You are dealing with gender equality. You are dealing, obviously, with health issues, with child marriage, with sex trafficking, labor trafficking, all those issues that go across a lot of different components of the State Department. I want to be assured that this bureau is going to be able to access all of those areas.

Mr. SULLIVAN. Certainly. And on my trip to Africa, in Nigeria I saw all those issues. I went to a hospital, to a clinic, a PEPFAR clinic that was HIV positive women with babies born to them and because of PEPFAR their babies are not HIV positive.

Economic empowerment, Secretary Tillerson has discussed that. The value of a dollar invested in a woman yields so much more that it is, it is really money well spent.

All those issues you raised are extremely important, and particularly for our subject here which is Africa and counterterrorism in Africa.

Ms. FRANKEL. All right. Well, just to let you know, we are going to be watching that and hope for some good progress.

I yield back.

Chairman ROYCE. Okay. Mr. John Curtis of Utah.

Mr. CURTIS. Thank you, Mr. Chairman.

There has been a theme today expressed by a lot of my colleagues about human rights. And I don't want to burden us with further questions other than to express my own personal concern and interest in this. And appreciate your efforts along these lines.

I would like to ask Dr. Trachtenberg quickly, in your opening remarks you said African solutions to African problems. And I found myself wishing you had just a little bit more time to expand on that. Would you take just a minute and tell us what you meant by that?

Mr. TRACHTENBERG. Sure, Congressman. I think clearly it is not our role, certainly not the role of the Department of Defense to determine the outcomes for other countries in terms of governance, in terms of some of the issues that have been talked about here that serve as the underlying issues that lead to radicalization or terrorism.

What we can do, and what we should be doing and what we are doing is working with these countries to help provide a secure environment so that they can then develop and establish the forms of governance and society that are important to their growth economically, politically, and what have you. We are not trying to impose our solutions on others is really what I meant there.

Africa is a diverse, large and diverse continent, over 50 countries there. It is, it is absolutely huge. And the history of those countries, the cultures are all different. So what we are trying to do is we are trying to get at the problem that we are talking about here, countering terrorism and extremism in order to provide a security setting where others like the Department of State can come in and help assist those countries develop their own indigenous solutions, keeping in mind that each starts from a different place historically, culturally, and what have you.

That is really what I meant. We are not trying to impose a solution on them.

Mr. CURTIS. All right. I think it caught my attention because I think that is frequently an error we make in lots of problems, and I wanted to emphasize that.

Thank you. I yield my time.

Chairman ROYCE. Okay. We have Ted Lieu of California.

Mr. LIEU. Thank you, Mr. Chair, for calling this important hearing. I appreciate it. And thank you, Secretary Sullivan and Secretary Trachtenberg for your service.

Did I pronounce that right, sir?

Mr. TRACHTENBERG. Yes, sir.

Mr. LIEU. All right, thank you.

I would first like to start off asking you, Secretary Trachtenberg, in your written testimony you stated that we need a whole of government approach to defeat terrorism. Does that include a State Department?

Mr. TRACHTENBERG. Oh, absolutely.

Mr. LIEU. And I just want to say that the proposed massive cuts by Secretary Tillerson to the State Department, as well as President Trump's failure to nominate individuals for high level State

Department positions have hurt U.S. national security. If those things are not corrected it will further hurt U.S. national security.

So, Mr. Chair, I would like to enter for the record a letter to Secretary Mattis dated March 10th, 2017.

Chairman ROYCE. Without objection.

Mr. LIEU. Thank you.

This letter is from national security experts and former government officials from across the political spectrum. And in it they state that “even small numbers of unintentional civilian deaths or injuries, whether or not legally permitted, can cause significant strategic setbacks. For example, civilian deaths from U.S. operations can cause partners and allies to reduce operational collaboration, withdraw consent, and limit intelligence sharing, increase violence for militant groups, and foster distrust among local populations.”

I support the Department of Defense operations around the world to go after terrorists. I served on active duty in the military. When it comes to terrorists, I believe we should hunt them down and kill them. But we should also protect civilians because it will harm our U.S. national security if we don’t. So I have seen troubling rises in civilian casualties across DoD operations such as, for example, in Operation Inherent Resolve. This is not a partisan issue. That started under the Obama administration, civilian casualties started rising. It continues today. The New York Times did a very large expose on that.

And I have before me two Daily Beast articles I would like to enter for the record as well at the appropriate time. And the first one is dated November 29th, 2017. It is titled “Strong Evidence that U.S. Special Operations Forces Massacred Civilians in Somalia.”

The second is dated December 6th, 2017, saying “On the Eve of Congressional Hearings New Evidence about Alleged U.S. Massacre in Somalia.” And what the Daily Beast articles say is that they did an investigation and they state that U.S. Special Forces killed unarmed civilians in Somalia on August 25th. We have been in contact with Africa Command. They deny that. And they say they have done an assessment. Their assessment is that those casualty figures are incorrect, that everyone that was killed was essentially an enemy combatant.

So my question for you is is there going to be any further investigation or assessment or is that, is that it? Is there going to be any further?

Mr. TRACHTENBERG. Congressman Lieu, my understanding of that incident and AFRICOM’s response is precisely the way you have described it.

I do want to make clear that we in the Department of Defense take any accusations of civilian casualties very seriously, and we work to avoid them at all costs. You are correct, AFRICOM recently conducted and concluded an assessment into this particular incident. The key finding from that was that the only casualties suffered were those of armed enemy combatants who had fired upon U.S. and Somali forces, and that the allegations of civilian casualty, the charges of civilian casualties were not credible.

I will be happy to look into your question in terms of will there be a follow-on to this. But the information I have as of this time supports the conclusions of AFRICOM that you have mentioned.

Mr. LIEU. Thank you.

So, in light of this new Daily Beast article dated December 6th where they provide additional evidence, I strongly urge the Department of Defense to conduct a further investigation as to what actually happened on August 25th.

Mr. TRACHTENBERG. I will take that back.

Mr. LIEU. Thank you.

I have limited time remaining, so let me just again say that I want to thank both you and Secretary Sullivan for your public service and appreciate your being here today.

Chairman ROYCE. Congressman Darrell Issa of California.

Mr. ISSA. Thank you, Mr. Chairman. Secretary Sullivan, I am going to direct my questions primarily to you.

Currently, to use a term, you are dual-hatted. You have got the management portfolio and the conventional deputy; correct?

Mr. SULLIVAN. That's correct.

Mr. ISSA. Okay. And in your opinion—well, let me rephrase that. The continent of Africa and its billion people have a number of problems we have talked about today, including a number of terrorist groups who now are aligning themselves with ISIS, obviously human trafficking, and the like. It was mentioned in opening statements that the Department of Defense's budget to combat this is roughly equal to your budget.

This is an area of great threat. It is larger than the United States, meaning that relief efforts for our men and women, your men and women of the State Department and affiliated organizations basically, it is tough. Benghazi was the closest point to Europe practically, and the relief effort took more than 13 hours.

So I want to go through a couple of questions related to, if you will, your management hat as deputy. I was recently, Thanksgiving weekend, in Zimbabwe for the change that you only get once every 37 years, so you take it when you can. And I want to thank the State Department for working so hard to make that mission possible.

I also toured the new facility there, a \$220 million facility arriving on time later next year. But I noticed that, first of all, it is an expensive facility. It was built at twice the size of our existing facility. And it was built based on a decision made during the last administration, which was to give up the standard design, in other words builds that are cookie cutters that allow for faster and less expensive facilities.

Since this committee and the appropriators give you a limited amount of money, that facility, which took a long time, cost \$220 million, is an exception to the otherwise aging facilities that don't meet Inman standards, that are not safe, and they are, many of them, are in Africa. And although this structure is beautiful and it has architect—by the way, it has completely curved walls, continuously curved walls which turns out to be really hard to do and a little bit impractical.

So, what will you be doing to return to a process in which the dollars the American people invest specifically in facilities and security go further, particularly in dangerous areas like Africa?

Mr. SULLIVAN. A very important question, Congressman Issa. And it is a phenomenon that we have seen, I have seen in the 7 months that I have been in office where the length of time it takes for an Embassy to be—site to be picked, plans developed, built, and so forth, our mission will often change.

For example, in Iraq we built an enormous Embassy in Iraq; much of it we don't need now. So there is a lot we. We have had a—

Mr. ISSA. I was also in Baghdad—

Mr. SULLIVAN. Right.

Mr. ISSA [continuing]. A couple weeks earlier. And what you, what you need is an overhead cover from things dropping into that Embassy.

Mr. SULLIVAN. So it is very important. It is part of the Secretary's redesign looking at OBO and our planning for Embassies. It is a huge amount of money as a part of our budget that we spend. And I have spoken to our IG about this, IG investigations and how we have been spending money. Very important issue, particularly if, as we have discussed a lot today, the State Department budget getting cut or whether it will, making sure that those dollars we spend on our Embassies are spent effectively to promote the safety of our women and men, but also that we have the right-sized Embassy, right size building for the post we need.

Mr. ISSA. So it is fair to say that one of the challenges is these lead times under these custom designs is so long—

Mr. SULLIVAN. Right.

Mr. ISSA [continuing]. That often what you end up with is not what you need by that time?

Mr. SULLIVAN. Eventually, that is right.

Mr. ISSA. Obviously you are still looking at Britain. We will talk offline at the problems of that billion dollar-plus facility.

But one of the other last questions is would you consider bringing to this committee for authorization a revised grand plan of how you get to where every facility, at least in what we would call high-stress or dangerous areas, can be upgraded in a timely fashion?

In other words, I know with your budget you are looking our decades and, you know, where Papua New Guinea is getting one, places in Africa are not, would you consider bringing to us a comprehensive proposal and then allowing that increased speed with which you will be able to do it if you return to a standard design platform so that this committee could consider the additional funds leaped ahead to get us from a very dangerous area in which the next Benghazi could happen at any time, to an area in which the men and women who go around the world on behalf of us could be secure?

And, Chairman, I appreciate the time but I would hope the Secretary could answer.

Mr. SULLIVAN. Yeah, not only would I consider it, I would welcome it and look forward to having that conversation with you and members of the committee, including on our Embassy in London.

Mr. ISSA. Thank you.

Thank you, Mr. Chairman.  
 Chairman ROYCE. Thank you.  
 Adriano Espallat.

Mr. ESPAILLAT. Thank you, Mr. Chairman, Ranking Member Engel. Thank you for coordinating this hearing on the U.S. efforts to counter terrorism in sub-Saharan Africa. I am glad both the State Department and the Department of Defense are here today.

Given the October ambush of U.S. military personnel in Niger which took the lives of four U.S. soldiers, including Army Sergeant La David Johnson, David Johnson whose body was found days after the attack, as well as the expansion of Boko Haram across Nigeria's borders, and even the current slave auction crisis in Libya, I think that all these warrant a more robust approach, more funding, more efforts both by the State Department and Department of Defense to expand its regional counterterrorism assistance programs in Africa.

We need to be investing more in our peacekeeping operation and other State Department efforts like USAID. This is necessary not just in Africa but in the rest of the world as well.

Yet, we have seen the Department of Defense expand its own engagement in sub-Saharan Africa and has spent over \$1.7 billion for counterterrorism purposes in the past 10 years. Secretary of Defense Mattis said if we don't fund the State Department fully then we need to buy more ammunition ultimately. And that is beginning to play itself out as we proceed with these major proposed cuts. And we see that there is plenty of truth to that statement. And so why would the State Department cut its own budget?

I want to, Mr. Sullivan, go right straight to a question which has really been troubling me for a long, long time, because this crisis, the kidnap of the girls by Boko Haram which—and I must commend Congresswoman Wilson for sort of keeping the eye on the ball on that issue—once it left the media has somewhat been buried. And what is the status of these girls that are still held captive by Boko Haram? How many of them do we know there's a possibility to rescue them, to get them back? What is the current status of these girls kidnaped by Boko Haram?

Mr. SULLIVAN. It was a topic, an important issue for my trip to Nigeria, at our Embassy in Nigeria. And it may have left the front pages of the newspapers here in the United States but it has certainly not left the Embassy in Nigeria which is focused very acutely on this.

There were, as you know, approximately 300 young women who were abducted, some of whom have been rescued or released or escaped. But there is a huge number that are still unknown. We don't know where they are. We suspect that they are still held captive. They may have been given as brides.

It is something that both the United States and the Nigerian Government is focused very acutely on. I met with our security staff at the Embassy. I met with our local staff, local Nigerians who came up to me when I did a town hall to tell me how important it was to them that we are not forgetting about them and we are still working to track them and do all we can to rescue them.

Mr. ESPAILLAT. It just baffles me that we can probably put a man or a woman on Mars soon and we can't find out where these

girls are. I am just very concerned that maybe too little too late when we get to them. So, I would encourage both the State Department and the Department of Defense to continue robustly looking for them.

On the slave auction matter which is a horrible modern slave trade story, is there anything you can share with us on that? What is the magnitude of it? Who is involved in it? Who, who are the slave owners in this?

We want to know who is engaged in this. Is there any, any country or any sector of our society in a country that is acutely and vigorously involved in this and benefitting from this?

Mr. SULLIVAN. So, the focus is in ungoverned areas in Libya. And I have already committed to get back to the committee with a report on more intelligence, specific intelligence that we could provide in a closed setting on what we know about those who are, are involved.

But I would say the central problem is that these camps are in ungoverned areas, in enormous countries with ungoverned areas. And that also may explain why, to our first point that we discussed about the young women who are still missing, there are ungoverned areas where we don't have a lot of access or intelligence. So it is something we need to work on.

Mr. ESPAILLAT. What about our allies? For example, Italy seems to be very concerned with the outlawness of Libya. And they are having a serious migration issue in Italy, and across Europe I may add because Italy will be the port of entry for that migration coming from Libya. Do they have any intelligence, do they have any information about this?

Mr. SULLIVAN. I have met with the Carabinieri, actually the head of the Carabinieri to discuss the immigration problem from Libya. This was several months ago. Italy has a very close relationship with a number of groups in Libya and what is I am sure a source of intelligence that we can rely on.

Chairman ROYCE. We need to move to—

Mr. ESPAILLAT. Thank you, Mr. Chairman, for the time.

Chairman ROYCE. Thank you very much, sir.

We need to move to Tom Garrett of Virginia.

Mr. GARRETT. Thank you, Mr. Chairman. I am going to go relatively quickly. Unless I address you, Mr. Trachtenberg, I apologize, my question is directed to the Deputy Secretary. I would hope that you would appreciate the fact that I have a finite amount of time. And if it is a yes or no question, give a yes or no answer.

On the Sudan, I have also been there, I would commend this administration for the progress made in that country. And I point out that by virtue of the fact that we have heard so many doom and gloom stories from those who don't understand the Vandenberg concept that politics stops at the water's edge. Has Sudan historically in the last 30 years been a kind of bad actor?

Mr. SULLIVAN. Yes.

Mr. GARRETT. And so, have they also been listed on the State Sponsors of Terror List?

Mr. SULLIVAN. They still are.

Mr. GARRETT. At some point they were accused of harboring a guy named Osama bin Laden; correct?

Mr. SULLIVAN. They did indeed.

Mr. GARRETT. Okay. And they harbored FBI bomb plotters as well back in the '90s; correct?

Mr. SULLIVAN. Many bad actors, yes.

Mr. GARRETT. And so when I was there I had the opportunity to meet with Mr. Atta, who heads NISS there, a very powerful man. I was encouraged by some of the words and deeds. And while there is a long way to go yet, we are making progress at advancing human rights, religious freedom, and reducing their role in terror in the Republic of the Sudan. Is that a fair assessment?

Mr. SULLIVAN. That is.

Mr. GARRETT. And so would you say that is a success story of this administration on foreign policy?

Mr. SULLIVAN. Partial success, yes.

Mr. GARRETT. Sure, there is a lot left to do.

And so you have also spoken to the reduction in funds as it relates to the success of programs on small scales, things like school feeding programs, and water purifications in villages; correct?

Mr. SULLIVAN. The need for those and the small scale programs are the most effective.

Mr. GARRETT. It is a lot easier to lose money when we spend lots of it than it is when we address a specific issue; correct?

Mr. SULLIVAN. Well said.

Mr. GARRETT. Okay. And so I have been a champion of things like school feeding programs. I would point out and ask you if you agree that there is a reduction in long-term radicalization when we see women get educations. Is that an accurate statement?

Mr. SULLIVAN. I don't think anybody could deny that.

Mr. GARRETT. And there is an increase in economic achievement where we see school feeding programs and articulate, educated women as well; correct?

Mr. SULLIVAN. I would think so.

Mr. GARRETT. And these are things like McGovern-Dole feeding programs that aren't massive programs but that we should spread out as small programs. They work; right?

Mr. SULLIVAN. Yes.

Mr. GARRETT. Okay. So this is just a history for me.

I spoke briefly earlier of Arthur Vandenberg. Are you familiar with Arthur Vandenberg?

Mr. SULLIVAN. I am.

Mr. GARRETT. Okay. And so you are aware that Mr. Vandenberg was the chair of the Senate Foreign Relations Committee and was running against Truman we thought when he was encouraged to attack Mr. Truman on foreign policy matters. Are you familiar with the story?

Mr. SULLIVAN. I am.

Mr. GARRETT. And Mr. Vandenberg said, "I simply won't do that because politics should stop at the water's edge."

Mr. SULLIVAN. Yes.

Mr. GARRETT. Okay. I am disheartened by the fact that that doesn't appear to be the case today. I was taken aback, and in fact wrote down the words verbatim of a member previously who said, and I quote, "Wherever you go anywhere in the world people from

State pull you aside and tell you how upset they are, how they feel like the administration is really going after the State Department.”

Did you hear that testimony earlier? Does that sound familiar?

Mr. SULLIVAN. I believe a member said that, yes.

Mr. GARRETT. Okay. What I would submit is that this is actually the State Department going after the administration. So let me ask you this: The people in State who are complaining that the administration is going after them, who elected them?

Mr. SULLIVAN. Employees of the State Department are Civil Service and Foreign Service.

Mr. GARRETT. So they are not elected by the people of the United States.

Mr. SULLIVAN. Right.

Mr. GARRETT. And who are they held accountable to?

Mr. SULLIVAN. They are held accountable to the Secretary.

Mr. GARRETT. And he works for?

Mr. SULLIVAN. The President of the United States.

Mr. GARRETT. Okay. And is policy making vested in the individuals who complain about how they are being treated by the administration?

Mr. SULLIVAN. I—

Mr. GARRETT. They are not policy makers, correct, they are executioners of policy?

Mr. SULLIVAN. It is hard for me to answer that because of defining who a policy maker is.

Mr. GARRETT. Well, I will submit this: I wore the uniform of the United States military for a number of years and oftentimes I was told to do things that I didn't necessarily agree with on my ideological scale, but so long as they were lawful orders that didn't violate the international laws governing the actions of military force I executed those orders without complaining to Members of Congress when they showed up, say for example, in the dining facility at Camp Dobol in Bosnia-Herzegovina.

And so I would ask you if you would be willing to convey to the members of the State Department that they were not elected, that they are not policy makers, that they are executioners of policy, and so long as the policy that they are asked to execute does not violate international laws that they should do their jobs or find some other place to go.

Now, I say that with respect and regard to the fine professional individuals from the State Department who helped me extract nine Christian refugees from the Republic of the Sudan earlier this year. There are wonderful people at State. But when an administration changes it is not your job to grab us by the sleeve and complain that you don't think the President is treating you well. It is your job, as Tennyson said, to do your job.

And, finally, are you familiar with the statement made earlier in this hearing where an individual said it seems to be a Republican obsession with abortion? Do you recall that test—that question, line of questioning?

Mr. SULLIVAN. I believe so, yes.

Mr. GARRETT. Okay. I would submit that perhaps it is not an obsession with abortion but an obsession with protecting the pre-eminent, God-given, human right which is the right to life. And I

would submit that the obsession is on the part of those who believe that U.S. foreign policy hinges on funding abortions of people in the developing world.

And so, candidly, I thank you for the good work you are doing. I appreciate the progress we are making in places like the Republic of the Sudan. I appreciate the great help that we receive from people in the State Department. But if you don't agree with the policies coming out of the administration, please convey to the members of the staff that might disagree they should run for President.

Thank you, Mr. Chairman.

Chairman ROYCE. Thank you.

We go to Mr. Bradley Schneider of Illinois.

Mr. SCHNEIDER. Thank you. And again thank you to the witnesses for spending your time with us today and sharing your perspective. I am, likewise, going to spend most of my time with you, Mr. Sullivan. No disrespect to Mr. Trachtenberg.

There are many reports out that say there are many vacancies within the State Department. Just as an example, the Ambassador to South Korea is vacant. There are reports out that morale is low. And you are hearing it from former policy makers who would know and have a perspective.

We are managing in a world at a time when there is ever-increasing danger, ever-increasing complexity managing a larger, growing, significant number of priorities with a smaller staff and a requested smaller budget. So my question to you, Mr. Sullivan, is as you look at the world, as the State Department looks at the world as you are trying to manage your resources, what priorities have had to be moved to the outer ring or the back burner?

Mr. SULLIVAN. Our priorities, defining our priorities—

Chairman ROYCE. Mr. Sullivan, are you sure the button is pushed, sir?

Mr. SULLIVAN. My apologies. It is my first—I usually forget to do that more often in a hearing. This is my first error. I apologize.

We have defined our priorities as protecting the United States, promoting security of the United States, and also promoting U.S. economic prosperity, two principal, two principal goals of this administration. Everything else flows from that: Supporting our allies; working to address threats, whether it's the DPRK—

Mr. SCHNEIDER. So let me reclaim my time. And I appreciate that and protecting the United States' interests—

Mr. SULLIVAN. Yes.

Mr. SCHNEIDER [continuing]. I would posit is more of a mission statement than priorities.

Mr. SULLIVAN. Right.

Mr. SCHNEIDER. Within those priorities are there places around the world where we are going to dedicate more resources, whether it is working to make progress in Sudan, which I commend you for the progress that has been made. But we have concerns about what is happening in North Korea. We have concerns about losing ground to Iraq—or to Iran rather in Syria and Iraq and Yemen. We have concerns about what is happening in Latin America.

The best way to fail is to try to do everything all at once with unlimited resources. We don't have unlimited resources. We are pulling back resources. And so I would hope that within the broad

context of the world with increasing challenges, we are putting at the top of the list the most significant, most important priorities, but with limited resources some have to drop.

So, my question is what priorities are being pushed down the list because of loss of personnel, lack of resources, decisions to say that this is not where we are going to put our resources today?

Mr. SULLIVAN. Well, there is a process that is managed by the White House, the National Security Council, to prioritize our security and our foreign policy. And that process is ongoing in this first year of the administration.

It is hard for me to say. There isn't a, there isn't a process that says we are not going to do X, Y, or Z. And it is hard for me sitting here to say we are not going to do something because we do have posts, you know, we are in 190 countries. We cover the world. So, we do cover everywhere.

Mr. SCHNEIDER. Right.

Mr. SULLIVAN. So it is difficult for me to answer.

Mr. SCHNEIDER. I hear you.

Mr. SULLIVAN. But the thrust of your question—

Mr. SCHNEIDER. I mean, the concern, and I think this has been shared by many others with far more experience in foreign policy than I have, including former Secretaries of State, is that with the decision not to fill spots, with the decision not to commit resources we are putting at risk some of our interests and putting at risk America.

But I want to change gears for 1 second and go back to a conversation you had with my colleague from Rhode Island. He asked you about the report in the context of the Child Soldiers Prevention Act. And you asserted to Mr. Cicilline that the memo and the decision to exclude three countries, Afghanistan, Iraq, and Burma followed that. But there is a, through the proper channel, the dissent channel, a memo that says that that was not correct, that these three countries, Afghanistan, Burma, and Iraq have recruited, have used child soldiers.

And if it is okay, I would like to have this included in the record. But could you touch on that a little bit?

Mr. SULLIVAN. Sure. I am aware of the dissent channel message that you have mentioned. My description was the process that the Secretary went through 6 months ago when that decision was made, what he did. There has been a subsequent dissent channel message which you have which the Department responds to.

And I don't know, given the timing, whether the Department has submitted a response to that. But the usual process is that there is a response from the Department when a dissent channel message comes in because we take those very seriously.

Mr. SCHNEIDER. Okay. And, again, just emphasize the concern that the Secretary is not listening to some of the people who are in the field who have an understanding. This was a broad, this wasn't just a few people, there were many people who signed on to this dissent memo. And without objection I would ask that this is included in the record.

Chairman ROYCE. Without objection.

Mr. SCHNEIDER. Thank you. My time has expired.

Chairman ROYCE. Thank you.

Mr. Steve Chabot of Ohio.

Mr. CHABOT. Thank you, Mr. Chairman.

I first of all want to apologize for not being here for most of your testimony here today. We had the FBI Director in Judiciary; had to be over there for that and came back.

But since she is still here, I would like to give credit to my colleague from Illinois Robin Kelly for introducing, along with myself, some legislation awhile back, the Protecting Girls' Access to Education Act, which passed this committee thanks to Chairman Royce here, and went to the Floor and passed the full House of Representatives. And the Senate is considering it right now. We hope we will get this to the President's desk.

And in essence what this does is it says that in conflict areas, and God knows we have those in Africa, obviously Somalia comes to mind and others, it seems like a good idea to prioritize education and emphasizing that for children, especially girls but boys as well, so that we are able to give them the opportunity, alternatives to the extremism that exists, obviously oftentimes radical Islamic fundamentalist extremism, but other extremisms as well, and abuse that occurs, a whole range of abuses. And so I think it is great legislation and I want to once again publicly thank Ms. Kelly for her leadership on that issue.

And would just ask the State Department are you aware of the legislation? Are you considering the implementation of it once it is passed by the Senate and signed by the President? And are there other education initiatives that the State Department currently has that could be beefed up in conflict areas to help too? And obviously, you know, this is only one small aspect when you are talking about the overall battle against extremism. But, Mr. Sullivan, if you could just comment?

Mr. SULLIVAN. I am aware of the bill. I don't know that there has been a SAP or an administration or even a Department view on it. It sounds like a terrific idea to me. But that is just me speaking.

Be happy to take that back and seek more formal views for that for both of you.

Mr. CHABOT. Yes, we will make sure that our personal staffs and the committee staff get with the State Department folks to make sure that you are ready when it passes. I understand that there is lots, thousands of bills that get—

Mr. SULLIVAN. Right.

Mr. CHABOT [continuing]. Introduced all the time. This one actually made it through the Floor. It is bipartisan. I think it has a great chance over in the Senate.

Mr. SULLIVAN. Sure.

Mr. CHABOT. And would be, at least play small role.

Mr. Espaillat before was talking about a couple of things that I have also over the years been concerned about, and I know the public has been. Seems that there is an ebb and flow. When the media is interested in it people find out about it, they think it is horrible, they want to do something about it. You hear it for a few days or a few weeks and then it kind of goes away. And one of those is, obviously, Boko Haram and the kidnaping of the 300 girls.

And you already talked about it at some length. But I, I share his frustration on this. And you expressed that also, Mr. Sullivan,

so I am not going to again go into it in great length. But there are things which happen in Africa which are just horrific. The Lord's Army with Joseph Kony is another one that got the attention of people on the Internet for a while there. But ultimately what happened? Did they bring the guy to justice? Did they destroy the army, et cetera?

And there was a military aspect to this. So I don't know if, Mr. Trachtenberg, if you wanted to talk a bit about what we are doing relative to these types of groups that are a danger not only to those countries but can, because they do cooperate with terrorist groups, whether it is ISIS or anybody else, if you could just talk about how our military forces are engaging? And maybe we are more active on that than perhaps we once were.

Mr. TRACHTENBERG. Well, Congressman, just generally let me re-emphasize the point that our engagements with partner countries are done to bolster, primarily to bolster their capacities to provide for their own security and to deal with situations such as the one you described. I would say that what DoD does and how DoD operates, we are essentially an enabler. And I say that, in fact I would say we are a double enabler.

On the one hand, our operations with partner countries are designed to enable their forces, their militaries to provide security and to deal with the threats that they face. I say we are a double enabler because on the other hand I think what we are doing and attempting to do helps to enable our interagency partners as well, including the State Department. And the issue of NGOs was mentioned earlier. But that is critically important.

And I think the one thing that I am taking away from this hearing so far is the clear emphasis on the need for and sort of an intergovernmental approach to dealing with these issues. It is crystal clear. Our role is a part of that at DoD but in no means an exclusive, an exclusive role.

Mr. CHABOT. Exactly right. If I could just conclude, that is why it is so important I think that our military folks and our State Department work together. And ultimately is what is in the best interests of the U.S., and that generally is we get constituents that will communicate, why do you care about fill in the country? You need to be working here.

Those things that happen over there can affect us right here. And oftentimes when our military is involved it is a relatively small number of people and we are working to make those indigenous forces able to handle the terrorism so that it is over there and dealt with and not here on American soil.

Mr. TRACHTENBERG. Yes, sir.

Mr. CHABOT. I yield back. Thank you.

Chairman ROYCE. Robin Kelly of Illinois.

Ms. KELLY. Thank you, Mr. Chair, and thank you to my colleague.

I did want to follow up on what my colleague said because we had a meeting with Ambassador Haley and she talked about despite all the suffering, the hunger, the sexual assaults, and on and on and on, when they ask the, particularly the young people what they want and they say an education. So they see that as their ticket out of that situation.

The United States and the Government of Niger recently agreed upon a memorandum of understanding that would allow the DoD to arm U.S. drones currently stationed in that country. And yet AFRICOM has stated the U.S. military does not have an active, direct combat mission in Niger. There seems to be a disconnect in some way.

What is the time line for arming U.S. drones in that country? And how and under what authorities will they be used? And either one or you or both of you can answer.

Mr. TRACHTENBERG. I cannot address the specifics of that question here, Congresswoman, but I would be happy to take that one for the record.

Ms. KELLY. Okay, thank you.

And then, Mr. Sullivan, many of the security cooperation programs and activities include State Department involvement in the decision making process. Given all the vacancies that we have talked about over and over in the State Department, do you feel that State is having its voice heard during the interagency process? Do you feel like there is enough people there to speak at the table?

Mr. SULLIVAN. Yes. And to address your question in two ways, first, specifically at post where there is coordination between the Ambassador, the Chief of Mission, and the U.S. military in Africa would be AFRICOM. There has been extraordinary cooperation between, for example, our Ambassador to Libya and General Waldhauser.

So, at post I think there is—and it is something that both Secretary Mattis and Secretary Tillerson stress a lot to everyone who works for them, so I think that is filtered down through the chain. Our voice in the interagencies here in Washington is something that I am largely responsible for, participating in the deputy's committee meetings at the, at the White House, along with my colleague and partner here Under Secretary Trachtenberg.

But the question, your question really gets to why we need those positions filled. And I want to correct a misimpression. We in this administration, we in the State Department didn't set out to leave these positions unfilled. We haven't done a good job of filling them for a number of reasons, including slow in picking nominees, slow in getting them through the vetting process. And then we run into the challenges with the Foreign Relations Committee.

So, I discussed with another member earlier, I forget who asked or cited a figure that 50 percent of the slots are unfilled. I would say probably of that 50 percent, 40 percent we have a person identified. For example, I can't announce the person's name because the person hasn't been announced yet, but we have a person picked to be our Ambassador to South Korea. But they haven't gone through the clearance, and they have been in the clearance process it seems like forever.

Ms. KELLY. I wanted to ask specifically for the Trans-Sahara Counterterrorism Partnership, is funding and attention still being focused toward justice sector support, counter radicalization programs, and public diplomacy efforts? And are there any successes that you would like to share? Because I do agree with what my colleague from Illinois said that we need to hear more about, you know, the good things and the successes.

Mr. SULLIVAN. I will have to get back to you with that to provide. I want to provide precise information, numbers and facts, which I have an impression but I want to give you precise information. So, if I could, I will take that for the record and get back to you.

Ms. KELLY. Okay. And I yield back. And thank you very much.

Mr. SULLIVAN. Thank you.

Chairman ROYCE. Thank you. We go to Dina Titus of Nevada.

Ms. TITUS. Thank you, Mr. Chairman. And thank you for being here.

In addition to being on this committee which I enjoy very much and I value, I am a member of the House Democracy Partnership. We work with our legislative colleagues around the world in developing democracies, including Kenya and Tunisia, to help build democratic institutions and encourage civic engagement. Our work, though, has to be backed up by USAID and the State Department. So when we see those programs being diminished, that hurts what we are trying to do.

My colleague from Virginia seemed to suggest that the people who are concerned about what is happening in the State Department are just a bunch of carping employees. And that is certainly not the case. I meet with diplomats and parliamentarians from the around the world, and they consistently, no matter where they are from, tell me how concerned they are about the U.S.'s diminished role in world diplomacy.

So, I want you to know that we believe those are real concerns. And we are hearing them not just from the employees of the State Department but from world leaders from all parts of the globe.

I have a specific question though, and either one of you can answer. And I appreciate it.

Earlier this year the U.S. decided to terminate what was called Operation Observant Compass that was to counter the Lord's Resistance Army in Central Africa. And I am curious to hear if that decision has created a security vacuum in that part of the world where U.S. military used to operate and if that security vacuum has led to an increase in poaching and illegal ivory trade and trafficking.

In November the President and our Interior Secretary Zinke announced the administration's reversal of a ban on the importation of ivory that came from Zambia and Zimbabwe. That has been stopped, thank goodness. And I commend our chairman for weighing in on that and thank him very much. But we know that there has been shown a link between illegal poaching and ivory trafficking to gain funds to support terrorism. I just wish you two would comment on that and see if there is anything being done about it.

Mr. TRACHTENBERG. Congresswoman, let me start on the termination of Operation Observant Compass. There is little that I can say to you on that other than it is my impression that it has not created a security vacuum. But I do not have the details here and would be happy to go back and try to gather a little more information on that.

Ms. TITUS. Thank you. I would appreciate it.

Mr. SULLIVAN. I would just add that one of the factors that we considered in our decision to partially lift sanctions on Sudan was

the Government of Sudan's cooperation in our pursuit of the LRA. I would defer to DoD on where that stands.

But the other point I would make is transnational criminal organizations, those that traffic the way you described, they do support terrorism and they are a scourge. And we need to address them.

Ms. TITUS. Do you have any specific plans to do that?

Mr. SULLIVAN. Well, we have, for example, for narcotics trafficking—

Ms. TITUS. Yes.

Mr. SULLIVAN [continuing]. We have, in the Western Hemisphere, we have a number of programs—INL, a bureau at the State Department—a number of programs to address that. But in sub-Saharan Africa wildlife trafficking is a problem that you have identified. I can't say that we have devoted all that we should to address it, but it is not just a crime and participated in by transnational criminal organizations, but that money finds its way to bad actors who harm us in other ways.

Ms. TITUS. Well, I would like to see you take a little more effort to address that because I think it was, as you say, that it is funding some of these terrorist activities, and you would be doing well by doing good.

Thank you. I yield back, Mr. Chairman.

Chairman ROYCE. Thank you. We go to Mr. Brad Sherman of California.

Mr. SHERMAN. Mr. Sullivan, your department spends pennies compared to Mr. Trachtenberg's department spending dollars, and one of the major efforts of your department is that we don't have failed states. When we are successful in that, then Mr. Trachtenberg doesn't need to get involved. Which is why I would point out that when it comes to our foreign aid we gave foreign aid to Germany and France in the '40s. Today they are donor countries. We gave foreign aid to Taiwan and South Korea in the following decades. Seems like foreign aid might be a very good investment.

The one thing I would like to focus on in foreign aid is that in many countries—and I don't have a list in front of me—if you want to send your kids to school you have got to pay for the books. Now, that is the rule at American colleges, but it is the rule in first grade in a lot of countries. And it occurs to me, and I hope you will go back and look at this, that if we paid for the books, first, we would have some say in the content. I am not saying that you ask the San Francisco School Board to tell you what the content should be but we would have some say in the content.

And, second, it is kind of hard to steal a book, especially in a country where due to the generosity of the United States school books are free. What are you going to do if you steal the book?

And then the third thing in foreign aid is what I call flag on the bag. We often give bags of food. And often I have talked to foreign aid workers and they say, look, you are giving food to people, but 1 out of 20 people we are dealing with hate the United States. If we put the flag on the bag we have got a problem, we got this or that, so they hide it. Whereas, and of course they shouldn't be doing that. If we are paying for the books, you put the gift of the

people of the United States right there on the front page. You know, even if somebody crosses it out, that just emphasizes it.

So I hope you will go back and look at that both in terms of books is a good way to invest. And I realize that I am old fashioned. I like books, paper. So the same concept would apply with—

Mr. SULLIVAN. I was having that same thought.

Mr. SHERMAN. Yes.

Mr. SULLIVAN. I prefer books but they probably want tablets.

Mr. SHERMAN. There are still millions and millions of dollars—

Mr. SULLIVAN. Exactly.

Mr. SHERMAN [continuing]. That people, poor people in Africa are paying to buy paper books for this so their kids can go to elementary school.

Let's see. Mr. Trachtenberg, the previous administration publicly released both the presidential policy guidance establishing procedures for approving direct action against terrorist targets and a comprehensive report on the legal and policy frameworks guiding the use of military force. Do these documents reflect the current administration's policies? If anything has changed, will you release updated versions of these public documents?

Mr. TRACHTENBERG. Congressman, I appreciate the question. I would like to get back to you, if I might, with a more definitive answer on that.

Mr. SHERMAN. You are burdened by the fact that I have been here a long time. And every time, almost every time someone says that I get back a nonsense answer.

Mr. TRACHTENBERG. Well, I would—

Mr. SHERMAN. Something that says, Congressman, we want to show you we are dedicated to helping the American people and the world.

How comprehensive and clear and definitive is your future answer going to be?

Mr. TRACHTENBERG. That is I understand the question, Congressman. I do not have the information now to be able to provide you with a detailed answer.

Mr. SHERMAN. Can you commit to a detailed, clear, and definitive answer—

Mr. TRACHTENBERG. I can commit—

Mr. SHERMAN [continuing]. In a reasonable amount of time?

Mr. TRACHTENBERG. I can commit to go back and to find the answer to the question and see what can be provided to you.

Mr. SHERMAN. You can see why asking me to accept your non-answer is subject to some concern. I don't think that we subpoenaed you here. I don't think we can force you to answer the question. But I think the people in this room are aware that you are refusing, that you are not willing to answer the question now, and they will all be looking for your written answer.

Mr. TRACHTENBERG. Part of it, Congressman, is I think what you are asking for is a level of detail that I am not yet, that I do not yet have a full understanding but—

Mr. SHERMAN. Okay. Now, what I—

Mr. TRACHTENBERG [continuing]. I would like to have an understanding of.

Mr. SHERMAN [continuing]. What I hope that you don't do is say, oh, it is classified, because you can get us a classified answer, too. But I will point out that the Government of the United States has officially released the fact that there are 5,000 to 6,000 U.S. troops in Africa. And there is a host of other either widely reported by respectable sources or officially reported.

So I hope can you get back to me within 2 weeks?

Mr. TRACHTENBERG. I am happy to work with you and your staff to get back to you with a detailed answer, as detailed as we can provide in order to address your question.

Mr. SHERMAN. I hope it is definitive. And we haven't worked personally together. Just so many other people sitting in that seat have failed to provide answers in the future. So I hope you change, hope you restore my faith in that chair. Thank you.

Chairman ROYCE. Mr. Gerry Connolly of Virginia.

Mr. CONNOLLY. Thank you, Mr. Chairman. And welcome to both, welcome back, Mr. Sullivan.

Mr. Trachtenberg, I am following up on my colleague and his concern that all too often we will have to get back to you for the record translates into deflection, and not-on-your-life, and it will be gobbledygook if it is anything at all. You were asked by my colleague Karen Bass of California a reasonable question, how many troops do we have in Africa?

Now, there are published reports that say 5,000 to 6,000. Can you confirm that? And if not, is it classified?

Mr. TRACHTENBERG. Congressman, the public number is between 5,000 and 6,000. That is correct.

I think my earlier hesitation was based on the fact that I didn't want to get into specific numbers vis-a-vis specific countries.

Mr. CONNOLLY. Okay.

Mr. TRACHTENBERG. But you are exactly right on that issue.

Mr. CONNOLLY. All right. So the range is accurate?

Mr. TRACHTENBERG. Yes, sir.

Mr. CONNOLLY. All right. Thank you.

Mr. Sullivan, I had the opportunity to talk about terrorism in the Maghreb at a speech I gave at CSIS this week. And it forced me to come think about, well, what are the elements we need in the counterterrorism strategy to be effective?

And I was very gratified at your opening statement or how you closed your testimony by saying that we believe that traditional counterterrorism efforts alone are not enough. Economic reform, good governance, and a respect for human rights must be prioritized. That was a very heartening thing to hear.

And just to kind of engage you a little bit on that, one of the things I really believe we have made a mistake on historically as a country, arguably for what we thought were better reasons, is that we ignore the need for pluralistic political space. The Shah of Iran is a great example. So the Shah says, "I don't want you talking with the political opposition," to our Embassy, to our intelligence people, and we respect it. And as a result, you know, we haven't got a clue what is really going on in the country. And the only alternative to the authoritarian regime of the Shah is Khomeini and his crap.

And had maybe we had a little more elbow room in order to encourage other political expression, perhaps that wouldn't have been the only alternative. And I think we repeated that similar mistake during the Mubarak years in Egypt.

And we are looking now at the Maghreb, we are looking at Africa, we are looking at a lot of strongmen governments, how do we avoid making the mistakes of the past? What? Do you agree that political pluralism is also part of that good governance we have just got to foster and encourage?

Mr. SULLIVAN. Undoubtedly. It's the sign of strength in the society of a culture. And you may not know this, I was smiling when you described the Shah. My uncle Bill Sullivan was the last U.S. Ambassador to Iran, so it may have been his failure. I apologize on behalf of my family if we weren't doing as good a job as we should have been.

Mr. CONNOLLY. I think it was really a U.S. failure and no one individual.

Mr. SULLIVAN. Right.

Mr. CONNOLLY. And I think we were trying to respect a strong—

Mr. SULLIVAN. Absolutely.

Mr. CONNOLLY [continuing]. Ally who was going to make the Persian Gulf, you know, but we didn't see the Shia revolution—

Mr. SULLIVAN. That is right.

Mr. CONNOLLY [continuing]. And the effect of it and how it spread.

Mr. SULLIVAN. Exactly.

Mr. CONNOLLY. And it is simply not in our interest to, frankly, honor those kinds of requests.

So let's take Africa, which is what we are talking about today. Any hopeful signs in this regard in terms of good governance, civil society, political pluralism?

Mr. SULLIVAN. So two of the countries that I went to, obviously mixed records but not all bad. Tunisia, serious economic problems; they have got to get their economic house in order. Budget deficit, they need a lot of economic help. But their government, their commitment to democracy, it is real.

Nigeria, Buhari, the President has got health issues, there, there are good prospects there. But there are challenges as well.

Mr. CONNOLLY. Yes.

Mr. SULLIVAN. Parts of the government and the military, as you well know, where we have got issues.

There are bright spots. There aren't a lot but there are bright spots. And we need to encourage them. We need to show progress. And then we have precedents that we can cite to others.

Mr. CONNOLLY. There is one other thing I—I mean I have other things—but the other thing that I would highlight just for this purpose, I am running out of time and feel free, both of you, to comment but I will address it first to you, Mr. Sullivan, I am worried that we don't seem to yet have our arms around the appeal on social media of the ISIS, al-Qaeda, radical narrative. It seems beyond us that anyone would be attracted to give up their whole lives and go fight and miss their lives, and so forth, but they do, in the thousands.

And the only way to address that is to A) knock down the narrative convincingly and have an alternative narrative that is equally or maybe more attractive. I wonder if you could just comment on how well do you think we are doing? What do we need to do with respect to social media?

And with that, Mr. Chairman, of course I will yield back my time. But I think it is a very important aspect of the counterterrorism fight. We are not doing well.

Mr. SULLIVAN. Agreed. We have established a Global Engagement Center to try to address this issue. We address it in two ways. The mission has expanded. We haven't—it was originally established to address the issue you have raised for ISIS, al-Qaeda use of social media. As a result of what happened with Russia and the impact on the election, it has now been expanded to state actors as well.

So my concern is that we are broadening the mission of the Global Engagement Center when we really haven't gotten it focused on the more limited but extremely important topic of ISIS, al-Qaeda, those terrorist organizations which are using social media to recruit displaced, disadvantaged, disillusioned people. And I would say—you said thousands, I would say tens of thousands. A serious problem.

I would defer to my colleague.

Mr. TRACHTENBERG. Congressman, I would agree with everything that Secretary Sullivan has said. And, in fact, his citation of the Global Engagement Center I think is one of those areas where both the State Department and the Department of Defense have worked well and collaborated together. But I would agree more work is needed.

Mr. CONNOLLY. Thank you. And thank you, Mr. Chairman.

Chairman ROYCE. Thank you, Mr. Connolly, and Secretary Sullivan and Under Secretary Trachtenberg for your testimony.

As we have heard, State and the Defense Department provide critical training, equipment, operational support for our partner forces in Africa. So coordination between your agencies is going to be critical to success on these fronts. And our development of those systems is essential.

The costs of our engagement on the continent in this battle against Islamists and other terrorism can be high. And we appreciate our servicemen and women and diplomatic personnel serving in very difficult and risky circumstances. But the threats are real, and our national security demands that we don't ignore them.

As a reference here the comments made by my friend Mr. Connolly, he mentioned governance. Well, we have an election coming up in Liberia. It is critical that these elections be free and fair. We all understand the cost in the past under Charles Taylor of what happened in Liberia and West Africa. And now we have an opportunity to build on some measure of success. So this requires our engagement.

And again I thank you both. And the hearing is adjourned.

[Whereupon, at 12:08 p.m., the committee was adjourned.]

## A P P E N D I X

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MATERIAL SUBMITTED FOR THE RECORD

**FULL COMMITTEE HEARING NOTICE  
COMMITTEE ON FOREIGN AFFAIRS  
U.S. HOUSE OF REPRESENTATIVES  
WASHINGTON, DC 20515-6128**

**Edward R. Royce (R-CA), Chairman**

December 7, 2017

**TO: MEMBERS OF THE COMMITTEE ON FOREIGN AFFAIRS**

You are respectfully requested to attend an OPEN hearing of the Committee on Foreign Affairs to be held in Room 2172 of the Rayburn House Office Building (and available live on the Committee website at <http://www.ForeignAffairs.house.gov>):

**DATE:** Thursday, December 7, 2017

**TIME:** 9:30 a.m.

**SUBJECT:** Counterterrorism Efforts in Africa

**WITNESSES:** The Honorable John J. Sullivan  
Deputy Secretary  
U.S. Department of State

The Honorable David J. Trachtenberg  
Acting Under Secretary of Defense for Policy  
U.S. Department of Defense

**By Direction of the Chairman**

*The Committee on Foreign Affairs seeks to make its facilities accessible to persons with disabilities. If you are in need of special accommodations, please call 202/225-5021 at least four business days in advance of the event, whenever practicable. Questions with regard to special accommodations in general (including availability of Committee materials in alternative formats and assistive listening devices) may be directed to the Committee.*



**COMMITTEE ON FOREIGN AFFAIRS**  
MINUTES OF FULL COMMITTEE HEARING

Day Thursday Date 12/07/2017 Room 2172

Starting Time 9:35AM Ending Time 12:08PM

Recesses 0 (\_\_\_\_ to \_\_\_\_ ) (\_\_\_\_ to \_\_\_\_ ) (\_\_\_\_ to \_\_\_\_ ) (\_\_\_\_ to \_\_\_\_ ) (\_\_\_\_ to \_\_\_\_ ) (\_\_\_\_ to \_\_\_\_ )

**Presiding Member(s)**

*Chairman Edward R. Royce, Representative Michael McCaul, Representative John Curtis*

*Check all of the following that apply:*

Open Session ☒

Executive (closed) Session ☐

Televised ☒

Electronically Recorded (taped) ☒

Stenographic Record ☒

**TITLE OF HEARING:**

*Counterterrorism Efforts in Africa*

**COMMITTEE MEMBERS PRESENT:**

*See attached.*

**NON-COMMITTEE MEMBERS PRESENT:**

*Representative Frederica Wilson*

**HEARING WITNESSES:** Same as meeting notice attached? Yes ☒ No ☐

*(If "no", please list below and include title, agency, department, or organization.)*

**STATEMENTS FOR THE RECORD:** *(List any statements submitted for the record.)*

*IFR - Representative Ted Lieu, Representative Brad Schneider*

*QFR - Chairman Edward Royce, Ranking Member Eliot Engel, Representative Brad Sherman, Representative Lois Frankel, Representative Brad Schneider*

*SFR - Representative Gerry Connolly*

TIME SCHEDULED TO RECONVENE \_\_\_\_\_

or

TIME ADJOURNED 12:08PM

  
Full Committee Hearing Coordinator

**HOUSE COMMITTEE ON FOREIGN AFFAIRS**  
*FULL COMMITTEE HEARING*

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A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

REC1|DISAPPROVE|6-22-2017  
REC2|APPROVE|6-22-2017  
REC3|DISAPPROVE|6-22-2017  
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REC10|APPROVE|6-22-2017



201707779  
United States Department of State

Washington, D.C. 20520

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June 21, 2017

**ACTION MEMO FOR THE SECRETARY**

FROM: DRL - [REDACTED]  
AF - [REDACTED]  
EAP - [REDACTED]  
NEA - [REDACTED]  
S/SRAP - [REDACTED]  
J/TIP - [REDACTED]

SUBJECT: (SBU) Identification of Countries Pursuant to the Child Soldiers Prevention Act

**Recommendations**

(SBU) That you approve, for publication in the 2017 Trafficking in Persons (TIP) Report, the following countries that had governmental armed forces or government-supported armed groups who recruited or used child soldiers during the reporting period:

- (1) Afghanistan (Approve/Disapprove by 6/21/17)
- (2) Democratic Republic of the Congo (Approve/Disapprove by 6/21/17)
- (3) Iraq (Approve/Disapprove by 6/21/17)
- (4) Burma (Approve/Disapprove by 6/21/17)
- (5) Nigeria (Approve/Disapprove by 6/21/17)
- (6) Somalia (Approve/Disapprove by 6/21/17)
- (7) South Sudan and Mali (Approve/Disapprove by 6/21/17)
- (8) Sudan (Approve/Disapprove by 6/21/17)
- (9) Syria (Approve/Disapprove by 6/21/17)

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(10) Yemen (Approve/Disapprove by 6/21/17)

**Background**

(SBU) The Child Soldiers Prevention Act of 2008 (CSPA) requires that the Secretary of State include a list, for publication in the TIP Report, of countries that have governmental armed forces or government-supported armed groups that recruit or use child soldiers. The CSPA's definition of a child soldier is provided. The recruitment or use of one child soldier is all that is required to meet the threshold of the law.

(SBU) Governments of countries listed under the CSPA are restricted as of the beginning of the next fiscal year from receiving U.S. security assistance authorized under a range of authorities and may not be issued U.S. licenses for direct commercial sales of military equipment. However, these restrictions may be overcome by a Presidential national interest waiver, a partial waiver, applicable exception, or reinstatement of assistance pursuant to the terms of the CSPA. Thus, listing a country in the TIP report does not have any immediate effect and does not necessarily result in restrictions.

(SBU) If you approve the recommendation to list the countries identified in this package, the bureaus and offices with equities in the furnishing of assistance to these countries will prepare recommendations for you regarding the reinstatement of assistance, the exercise of waivers, or certification of exceptions, as permitted under the CSPA, for submission to the President in order that he may make a final decision prior to October 1, 2017. Assistance subject to CSPA restrictions includes: international military education and training, foreign military financing, excess defense articles, peacekeeping operations, and issuance of licenses for direct commercial sales of military equipment.

(SBU) The proposed listings for 2017 contain 11 countries. Of these, Burma, Democratic Republic of the Congo, Iraq, Nigeria, Somalia, South Sudan, Sudan, Syria, and Yemen were listed in the 2016 TIP Report pursuant to the CSPA. This is the first year Afghanistan and Mali are recommended for a listing.

**Attachments:**

Tab 1 – Countries Identified to be Listed Pursuant to the Child Soldiers Prevention Act of 2008 (Title IV of Public Law 110-457)

Tab 2 – Background on the Child Soldiers Prevention Act

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#### Potential Countries to be Listed Pursuant to the Child Soldiers Prevention Act

(SBU) All relevant bureaus and offices agree that the following countries had governmental armed forces or government-supported armed groups that recruited or used child soldiers within the meaning of section 404(a) of the Child Soldiers Prevention Act (CSPA) of 2008 (Title IV, P.L. 110-457), during the reporting period of April 1, 2016-March 31, 2017, and support their inclusion on the CSPA list that will be published in the introduction of the 2017 TIP Report. When the word "children" is used without qualification below, it means persons under the age of 18.

1. Afghanistan
2. Mali
3. Democratic Republic of Congo
4. Iraq
5. Burma
6. Nigeria
7. Somalia
8. South Sudan
9. Sudan
10. Syria
11. Yemen

#### Afghanistan

(SBU) In 2011, the Afghan government signed an action plan with the UN to prevent the recruitment and use of children in its national security forces, and a road map to compliance was endorsed in August 2014. As a part of the action plan, the Afghan government established Child Protection Units across the country to stop the recruitment of children in the security forces. There is credible evidence that a militia known as the People's Uprising Movement or the People's Uprising Group (PUG), of Baghlan, a government-supported armed group, recruited and used a child as defined by the CSPA. The UN Country Task Force on Monitoring and Reporting verified the recruitment and use of a boy as a guard by the Baghlan provincial PUG. The Baghlan PUG received financial and in-kind support from the Afghan government. Because the Afghan government provided support to the Baghlan PUG, and the PUG recruited and used a person younger than 18 years of age, Afghanistan is proposed for inclusion on the 2017 CSPA list.

#### Mali

(SBU) The Government of Mali prohibits the use and recruitment of children into its armed forces. In 2013, the government and the UN signed a protocol agreement to protect children associated with armed conflict and established a procedure to transfer such children to an interim care center. During the reporting period, there is evidence that the Government of Mali provided in-kind support to Imaghad Tuareg and Allies Self-Defense Group (GATIA), a non-government militia. During the reporting period, reports established GATIA recruited and used three children in hostilities. Thus – because the Government of Mali provided support to GATIA, and

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because GATIA recruited and used persons younger than 18 years of age – Mali is proposed for inclusion on the 2017 CSPA list.

#### **Democratic Republic of the Congo (DRC)**

(SBU) Despite the DRC government's progress towards eliminating the use and recruitment of children and purging them from the Armed Forces of the Democratic Republic of Congo (FARDC), there is evidence that FARDC units continued to provide material, logistical, intelligence, and personnel support to armed groups operating in the DRC that recruit children and use them in hostilities. UN Organization Stabilization Mission in the DRC (MONUSCO) personnel reported that FARDC commanders routinely provide funding, weapons, ammunition, and other resources, as well as advance warning of planned raids, to these armed groups. This includes FARDC collaboration with the Mai Mai Simba, Mai Mai Charles, Allied Democratic Forces, The Patriotic Union for the Defense of Innocents, Forces for the Democratic Liberation of Rwanda, and the Nduma Defense of Congo Renové. The UN Country Task Force on Monitoring and Reporting verified cases of recruitment and use of children in hostilities by all these armed groups. Thus – because the FARDC worked with and provided support to these armed groups, and because the armed groups recruited and used in hostilities persons younger than 18 years of age – the DRC is proposed for inclusion on the 2017 CSPA list.

#### **Iraq**

(SBU) The Popular Mobilization Forces (PMF) are part of the Government of Iraq's military forces, and are composed primarily of Shia units that generally support government security objectives but also – following the passage of the Popular Mobilization Committee (PMC) Law in December 2016 – Sunni and other tribal volunteers. Many PMF elements were formed in response to Grand Ayatollah Sistani's 2014 fatwa to defend Iraq against ISIS. There are also militias (many of which are partially supported by Iran) that describe themselves as part of the PMF, but which the Government of Iraq does not include within the PMF. A February 2016 order from the Iraqi prime minister declared the PMF to be formally affiliated with the Iraqi armed forces and, in December 2016, the Iraqi prime minister signed a law that formalized the status of the PMC, an umbrella organization for the PMF, as a component of the Iraqi armed forces. This law is intended to solidify and enhance the Government of Iraq's operational control over all PMF once the law is fully implemented. Both the UN and the NGO community reported that some Sunni tribal forces, one of which the UN reported was part of the PMF, recruited and used persons younger than the age of 18, including instances of children taking a direct part in hostilities. The UN reported five cases of recruitment and use of children by PMF units, including a 15-year-old boy who was sent to the frontline to fight for the Flags of Iraq Unit. The Government of Iraq is aware of these reports and has committed to taking measures to ensure no child soldiers are among the Sunni tribal forces or in the PMF ranks. Because this UN reporting attributes the recruitment and use of children to the PMF, although we cannot conclusively determine whether the reported recruitment and use of persons younger than 18 are attributable to groups that are actually part of the PMF, we assume this characterization is credible. Because the PMF is an armed force of the Government of Iraq, and persons younger than the age of 18 took direct part in hostilities as members of the PMF, Iraq is proposed for inclusion on the 2017 CSPA list.

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**Burma**

(SBU) The Government of Burma continues to take steps towards implementing its UN-backed child soldier action plan. Over the course of the reporting cycle, Burma released 112 child soldiers. Despite this, two confirmed cases of child recruitment by the *Tatmadaw*, the military of Burma, were documented during the reporting period. Of the cases of recruitment confirmed by the UN Country Task Force on Monitoring and Reporting, one incident involved a 14-year-old boy, who was forcibly recruited by the *Tatmadaw* to work as a porter during a road construction project. While the Burmese military has made progress on their action plan commitments, in the last year and a half that progress has slowed due to lack of coordination in command and control in the military and a slowdown in age verification procedures by the Burmese military. Because Burma's armed forces recruited at least one person younger than 15 years of age, Burma is proposed for inclusion on the 2017 CSPA list.

**Nigeria**

(SBU) During the reporting period, although the Government of Nigeria has officially prohibited the recruitment and use of children in the armed forces, the Nigerian military reportedly used children as young as 12 years old in support roles, such as messengers, porters, and guards. The Nigerian military also conducted on-the-ground coordination with elements of the Civilian Joint Task Force (CJTF), a self-defense militia involved in fighting Boko Haram that is not part of the Nigerian government. An NGO noted that the term CJTF is now used to describe a number of self-defense vigilante groups operating in northeast Nigeria, some of which have tenuous ties to the Maiduguri-based CJTF. Credible observers, including NGOs and an intergovernmental organization, reported that the CJTF continued to recruit and use children in hostilities, possibly compulsorily, and used children as young as 12 years old mostly to staff check points, conduct patrols, spy, and apprehend suspected insurgents. Because governmental armed forces used persons younger than the age of 15 in support roles and a government-supported armed group – the CJTF – recruited and used persons younger than 18 years of age, including in hostilities, Nigeria is proposed for inclusion on the 2017 CSPA list.

**Somalia**

(SBU) Although such actions are not officially sanctioned by the Federal Government of Somalia, the Somali National Army continues to use and recruit children. The UN reported on the recruitment and use of 84 children by the Somali National Army, including recruitment of a 13-year-old, during the period of April through September 2016. Because the Somali governmental armed forces recruited at least one person younger than 15 years of age, Somalia is proposed for inclusion on the 2017 CSPA list.

**South Sudan**

(SBU) Following the outbreak of conflict in South Sudan in 2013, recruitment and use of children by government forces increased. During the reporting period, there were widespread reports government forces were recruiting children. According to the UN, several hundred children continued to be compulsorily recruited into the ranks of the Sudan People's Liberation

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Army (SPLA), South Sudan's governmental armed force, and government-affiliated militias. The UN Country Task Force on Monitoring and Reporting (CTFMR) attributed incidents of recruitment and use of children affecting 281 boys to the SPLA, many of whom were used in armed hostilities. UNMISS Child Protection Unit-sponsored workshops in Bentiu identified a total of 22 children at SPLA barracks. Children, some potentially younger than 10 years old, were observed by the CTFMR in SPLA military or police uniforms manning checkpoints, guarding military facilities, and acting as bodyguards for county commissioners or military commanders. Also, in Unity State, the SPLA abducted for recruitment purposes at least 100 boys. They were given assault rifles and were forced by the SPLA to either join the armed forces or have their cattle confiscated. Many were transferred to Juba for military training. UNICEF estimated 17,000 child soldiers had been recruited in South Sudan since the conflict began in December 2013, and blamed government, opposition, and militia forces. Because the SPLA continued to recruit persons younger than 18 years of age and many such persons were forcibly recruited or took a direct part in hostilities as members of the SPLA, South Sudan is proposed for inclusion on the 2017 CSPA list.

#### **Sudan**

(SBU) According to several reports, particularly during the initial months of the CSPA reporting period, the Government of Sudan provided material and logistical support within Sudan to the South Sudanese opposition group known as the SPLA in Opposition (SPLM-IO), which was widely reported to recruit and use child soldiers. Reports of material and logistical support by the Government of Sudan to the SPLM-IO declined significantly during the course of the CSPA reporting period; however, because such support took place during the reporting period, Sudan is proposed for inclusion on the 2017 CSPA list.

#### **Syria**

(SBU) The Syrian government maintained its compulsory recruitment into and use of children by its armed forces, subjecting children to extreme violence and retaliation by opposition forces; it also did not protect and prevent children from recruitment and use by pro-regime militias. The UN documented 22 confirmed cases of recruitment and use by Syrian governmental armed forces and government-supported armed groups, many of whom were compulsory recruited. Reports and evidence suggest that the recruitment and use of children by both governmental armed forces and government-supported armed groups has been increasing – the number of verified cases does not reflect the full scope of recruitment and use of children by parties to conflict in Syria, but rather the cases the UN Country Task Force on Monitoring and Reporting has been able to verify within security and access constraints. Because the Syrian armed forces compulsorily recruited persons younger than 18 years of age and government-supported militias recruited children, Syria is proposed for inclusion on the 2017 CSPA list.

#### **Yemen**

(SBU) Although the government signed a Joint Action Plan with the UN to end the recruitment and use of child soldiers and took steps to implement it prior to the onset of the current conflict in September 2014, the implementation of the Action Plan stalled with the outbreak and

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**(SBU) Background on the Child Soldiers Prevention Act**

(SBU) The Child Soldiers Prevention Act of 2008 (CSPA), title IV of the William Wilberforce Trafficking Victims Protection Reauthorization Act of 2008 (P. L. 110-457), was signed into law on December 23, 2008 and, pursuant to its terms, became effective June 21, 2009. It was also amended in February 2013. The CSPA prohibits assistance under the following authorities to governments that are identified on the CSPA list: International Military Education and Training (IMET), Foreign Military Financing (FMF), Excess Defense Articles (EDA), and Peacekeeping Operations (PKO). The prohibition does not apply with respect to PKO programs that support military professionalization, security sector reform, heightened respect for human rights, peacekeeping preparation, or the demobilization and reintegration of child soldiers. In addition, no licenses for direct commercial sales of military equipment may be issued. Finally, to the extent that DoD security assistance authorities incorporate restrictions applicable to State assistance authorities, such DoD authorities will be similarly restricted. Governments on the CSPA list have been identified as "having governmental armed forces or government-supported armed groups, including paramilitaries, militias, or civil defense forces," that recruit or use child soldiers.

**(SBU) Evidentiary Standard**

(SBU) The CSPA, like most other statutes imposing sanctions or restrictions on assistance, does not specify the evidentiary threshold that must be reached in order to support a determination that sanctionable activity has occurred. While the statute is drafted in a way that permits the Secretary some discretion in this regard, a high evidentiary standard is typically applied in sanctions determinations because there are serious foreign policy, economic, and national security consequences that could arise from an erroneous determination.

(SBU) In applying a high standard, the Department's typical approach has been that action must be taken to impose sanctions where there is sufficient credible evidence that the decision maker is persuaded that each of the statutory elements for imposing the sanction has been established. Neither conclusive proof nor absolute certainty is required. Both direct evidence and circumstantial information should be considered in making a sanctions determination.

**(U) Definition of Child Soldier**

(U) The CSPA defined "child soldier" for the first time in U.S. law to mean, consistent with the provisions of the Optional Protocol of the Rights of the Child, any person that falls into one of four categories:

- (U) Any person younger than 18 years of age, who takes a direct part in hostilities as a member of governmental armed forces;
- (U) Any person younger than 18 years of age, who has been compulsorily recruited into governmental armed forces serving in any capacity, including a support role;
- (U) Any person younger than 15 years of age, who has been voluntarily recruited into governmental armed forces serving in any capacity, including a support role; or

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- (U) Any person younger than 18 years of age, who has been recruited or used in hostilities by armed forces distinct from the armed forces of the state serving in any capacity, including a support role.

(U) To determine that a government has violated the standards of the CSPA, the Secretary must determine that the foreign country has governmental armed forces or government-supported armed groups that recruit or use child soldiers as defined above.

(SBU) Government Supported Armed Groups

(SBU) In some circumstances, there may be factual questions as to whether an armed group is "government-supported." Determining whether an armed group is government-supported is a highly fact-specific exercise, and which facts are most relevant will depend on the circumstances of each case. In making such a determination, there should be a relationship between the activities of the armed group and any government action or inaction that supports those activities. The relationship between the armed group and all levels of government authorities would be relevant. As a general matter, we would view it as the responsibility of the central government to control armed groups within their territory and eliminate the recruitment and use of child soldiers or government support for such groups. Evidence that the central government is actively funding such groups would present a particularly compelling case for imposition of the restriction. It may be possible, however, that the restriction could be triggered, where local government actors provide support to such groups that recruit or use child soldiers and other government authorities are capable of, but unwilling to, eliminate such support.

(SBU) Factors relevant to a determination of whether an armed group is "government-supported" may include, but are not limited to, whether the government provides the group tangible support, such as salaries, weapons, food, training, or other goods or services, and whether, in the absence of tangible support, the government acquiesces in the activities of the armed groups within its territory. A government's failure to act against an armed group within its territory, if caused by a lack of capacity to control or regulate it, would standing alone likely be insufficient for a finding of governmental support.

(SBU) Waiver Provision and Reinstatement

(SBU) The CSPA authorizes the President to waive any of the CSPA restrictions when he determines it is in the national interest of the United States to do so. The President may also reinstate assistance upon certification to the Congress that the government of a listed country has: (1) implemented measures that include an action plan and actual steps to stop government or government-supported use and recruitment of child soldiers; and (2) implemented policies and mechanisms to prevent future government or government-supported use of child soldiers and to ensure that no children are recruited, conscripted, or otherwise compelled to serve as child soldiers. Finally, the CSPA provides an exception for programs directly related to addressing child soldier issues or professionalization of the military, under certain conditions that must be certified by the President. That exception may not remain in effect for a country for more than five years; however, there is no limit on the President's ability to waive CSPA restrictions. Moreover, the CSPA requires an annual report to Congress relating to listed countries and any waivers granted.

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**Note:** This material has not been reprinted in its entirety but may be found at:  
<http://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=106703>

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE BRADLEY S. SCHNEIDER,  
A REPRESENTATIVE IN CONGRESS FROM THE STATE OF ILLINOIS

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AS SUBMITTED TO S/P XX XX, 2017

NOT FOR FURTHER CIRCULATION

DISSENT CHANNEL

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TO: S/P – Brian Hook, Director of Policy Planning  
FROM: Undersigned  
SUBJECT: Dissent Channel: Concern Regarding the Secretary of State's  
Decision to Exclude Afghanistan, Burma, and Iraq from the 2017  
Child Soldiers Prevention Act (CSPA) List

(SBU) The following is a Dissent Channel message from the undersigned to the  
Director of Policy Planning (S/P).

(SBU) We are writing to register our dissent to the Secretary of State's decision to  
exclude Afghanistan, Burma, and Iraq from the 2017 Child Soldiers Prevention  
Act (CSPA) List, despite the clearance of the Office of the Legal Adviser and  
relevant regional and functional bureaus that there were sufficient facts  
demonstrating that all three governments either had governmental armed forces or  
supported armed groups that recruited and used child soldiers in 2016 and  
therefore met the legal requirements for a listing. We express further dissent from  
the Department's efforts to publically justify the decision to not list Afghanistan  
and to de-list Burma and Iraq based on criteria that are not part of the legal  
standard for listing a country under the CSPA. Beyond contravening U.S. law, this  
decision risks marring the credibility of a broad range of State Department reports  
and analyses and has weakened one of the U.S. government's primary diplomatic  
tools to deter governmental armed forces and government-supported armed groups  
from recruiting and using children in combat and support roles around the world.

**(SBU) This Decision Is Inconsistent with U.S. Law**

(SBU) The Child Soldiers Prevention Act (CSPA) of 2008 requires the Secretary  
to publish in the annual Trafficking in Persons (TIP) Report a list of foreign  
governments identified during the previous year as having governmental armed  
forces or government-supported armed groups that recruit and use child soldiers, as  
that term is defined in the Act. All relevant bureaus, offices, and embassies agreed  
that there was sufficient information to establish that Afghanistan, Burma, and Iraq

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had governmental armed forces or government-supported armed groups that recruited or used child soldiers within the meaning of section 404(a) of the Child Soldiers Prevention Act (CSPA) of 2008 (Title IV, P.L. 110-457), during the reporting period of April 1, 2016-March 31, 2017, and supported their inclusion on the 2017 CSPA list. Based on those facts, it is difficult to defend the decision not to list those countries as a legal matter.

(SBU) Per the CSPA, and generally consistent with the provisions of the Optional Protocol to the Convention of the Rights of the Child on the involvement of children in armed conflict—to which the United States, Iraq, and Afghanistan acceded and to which Burma is a signatory—“child soldier” means (i) any person under 18 years of age who takes a direct part in hostilities as a member of a governmental armed forces; (ii) any person under 18 years of age who has been compulsorily recruited into governmental armed forces; (iii) any person under 15 years of age who has been voluntarily recruited into governmental armed forces; or (iv) any person under 18 years of age who has been recruited or used in hostilities by armed forces distinct from the armed forces of a state.

(SBU) After several months of research, legal assessments, collaboration among multiple bureaus within the Department, and dialogue with NGOs and international organizations, the Department reached the conclusion that Afghanistan, Burma, and Iraq be on the 2017 CSPA list. The supporting evidence for these consensus recommendations is provided in Tab 1 “Potential Countries to be Listed Pursuant to the Child Soldiers Prevention Act” of the *Action Memo for the Secretary on the Identification of Countries Pursuant to the Child Soldiers Prevention Act* (Everest ID 201707779, transmitted on June 21, 2017). Please see Tab 1 attached.

(SBU) In the weeks following the June 27 publication of the 2017 TIP Report and CSPA list, the Department repeatedly attempted, both internally and externally, to ascribe the decision to exclude Afghanistan, Burma, and Iraq from the list for reasons outside of the legal parameters of the CSPA: 1) ongoing efforts to address the crime by all three governments and 2) flawed assessments that the cases were not indicative of broader child soldiering problems in each country. Neither is relevant for a legal determination of a country to be listed on the CSPA.

**(SBU) This Decision Compromises U.S. Credibility**

(SBU) The Department’s congressionally mandated annual TIP Report, as well as the Human Rights Report, are eagerly anticipated and heavily scrutinized by thousands of civil society activists and government interlocutors abroad. Both

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products offer extensive coverage of specific child soldier cases and the broader contexts in which they occur worldwide.

(SBU) This year, the Secretary's decision to exclude Afghanistan, Burma, and Iraq from the CSPA list directly contradicts information on the child soldier problem published in both reports on all three countries. This discrepancy has elicited a negative reaction and several questions from Congress and the broader public. The contradictory information between the TIP Report and the CSPA list damages the Department's credibility and engagement with governments we are trying to hold accountable. Furthermore, this list discredits the Department in the eyes of NGOs and international organizations, sources on whom the Department relies heavily for information about child soldiering problems around the world.

**(SBU) This Decision Undermines the Department's Work and Harms Children**

(SBU) The Secretary's decision to exclude Afghanistan, Burma, and Iraq from the CSPA list—despite broad concurrence from subject matter experts in the Department that the legal standard for their listings had been met—has weakened one of the U.S. government's primary diplomatic tools to deter governmental armed forces and government-support to armed groups around the world from using child soldiers.

(SBU) As human rights groups have noted, failing to list these countries when they still have much to do in child demobilization and preventative work harms children who are still in combat or military-induced forced labor worldwide, and has global implications on our ability to continue advocating against these heinous human rights violations and abuses. It has risked sending a message to the authorities in all three countries—and to the international community—that minimal efforts are enough; that we as a government are not interested in upholding international norms, nor in holding countries accountable for ongoing abuses against children; and that we are willing to neglect the legal foundations and principles guiding our advocacy and diplomacy.

**(SBU) Recommendations for the Way Forward**

(SBU) To avoid these pitfalls in the coming years, it is critical that the Secretary ensure Department compliance with the legal CSPA listing requirements. Looking forward to future CSPA listing assessments, we recommend the Secretary heavily weigh these consensus recommendations as part of his review and maintain close

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communication with the subject-matter and legal experts. In the event that the Secretary has questions or concerns about the consensus recommendations for CSPA country listings, we request the Secretary meet with relevant subject-matter and legal experts in the Department before making a final determination.

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MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE TED LIEU, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

March 10, 2017

The Honorable James Mattis  
Secretary of Defense  
Department of Defense  
1000 Defense Pentagon  
Washington, DC 20301-1000

Dear Secretary Mattis:

We, the undersigned, are former government officials and national security experts from across the political spectrum with substantial legal, policy, diplomatic, and operational expertise in combatting terrorism. In late January, President Trump issued a Presidential Memorandum directing you to submit a preliminary draft plan for defeating ISIS within 30 days.<sup>1</sup> Among other components, the plan shall include “recommended changes to any United States rules of engagement and other United States policy restrictions that exceed the requirements of international law regarding the use of force against ISIS.”<sup>2</sup> As the draft plan is finalized, we recommend that any changes to the rules of engagement or policies on the use of force in counterterrorism operations be guided by the following nonexclusive set of principles, many of which are required by current law, and all of which are designed to enable effective, nimble, and sustainable use of our military forces.

Sincerely,

Rand Beers  
Former Undersecretary for National Protection and Programs and Former Acting Secretary  
Department of Homeland Security

Daniel Benjamin  
Former Coordinator for Counterterrorism  
Department of State

Robert G. Berschinski  
Former Deputy Assistant Secretary of State for Democracy, Human Rights and Labor

Charles A. Blanchard  
Former General Counsel of the Army  
Former General Counsel of the Air Force

Antony Blinken  
Former Deputy Secretary of State

Rosa Brooks  
Former Counselor to Undersecretary of Defense for Policy  
Former Special Coordinator for Rule of Law and Humanitarian Policy  
Department of Defense

John Carlin  
Former Assistant Attorney General for National Security

David Cohen  
Former Deputy Director  
Central Intelligence Agency

Rajesh De  
Former General Counsel  
National Security Agency

Mary DeRosa  
Former Deputy Assistant and Deputy Counsel to the President for National Security Affairs  
Former National Security Council Legal Advisor

Brian Egan  
Former Legal Adviser to the Department of State

Michele Flournoy  
Former Under Secretary of Defense for Policy

Christopher Fonzone  
Former Deputy Assistant and Deputy Counsel to the President for National Security Affairs  
Former National Security Council Legal Advisor

Suzy George  
Former Deputy Assistant to the President, Chief of Staff and Executive Secretary, National Security Council

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Former Senior Director for Counterterrorism  
National Security Council

Amy Jeffress  
Former Counselor to the Attorney General

Frank Kendall  
Former Undersecretary of Defense for Acquisition, Technology and Logistics

David Kris  
Former Assistant Attorney General

Jonathan L. Lee  
Former Director for Human Rights and National Security Issues  
National Security Council

Marcel Lettre  
Former Undersecretary of Defense for Intelligence

Thomas Malinowski  
Former Assistant Secretary of State for Democracy, Human Rights, and Labor

John E. McLaughlin  
Former Deputy Director and Former Acting Director  
Central Intelligence Agency

James Miller  
Former Undersecretary of Defense for Policy

Lisa O. Monaco  
Former Assistant to the President for Homeland Security and Counterterrorism

David Newman  
Former Special Assistant to the President and Associate Counsel to the President and Former  
Director for Counterterrorism, NSC Staff

Matthew Olsen  
Former Director  
National Counterterrorism Center

Steve Pomper  
Former Special Assistant to the President for Multilateral Affairs and Human Rights

Amy Pope  
Former Deputy Assistant to the President  
Former Deputy Homeland Security Advisor

Michael H. Posner  
Former Assistant Secretary of State for Democracy, Human Rights and Labor

Samantha Power  
Former United States Ambassador to the United Nations

Tommy Ross  
Former Deputy Assistant Secretary of Defense for Security Cooperation

Wendy Sherman  
Former Undersecretary of State for Political Affairs

Jeffrey Smith  
Former General Counsel  
Central Intelligence Agency

Suzanne Spaulding  
Former Undersecretary for National Protection and Programs  
Department of Homeland Security

Michael G. Vickers  
Former Undersecretary of Defense for Intelligence

William F. Wechsler  
Former Deputy Assistant Secretary of Defense for Special Operations and Combatting Terrorism

Christine E. Wormuth  
Former Undersecretary of Defense for Policy

Cc: The Honorable Rex W. Tillerson, Secretary of State  
The Honorable John F. Kelly, Secretary of the Department of Homeland Security  
Michael Dempsey, Acting Director of National Intelligence  
The Honorable General Joseph F. Dunford, Chairman of the Joint Chiefs of Staff  
Lieutenant General H. R. McMaster, USA, Assistant to the President for National Security Affairs  
Thomas Bossert, Assistant to the President for Homeland Security and Counterterrorism  
The Honorable Mike Pompeo, Director, Central Intelligence Agency  
The Honorable Jeff Sessions, Attorney General  
Senator John McCain, Chairman of the Senate Committee on Armed Services  
Representative Mac Thornberry, Chairman of the House Committee on Armed Services

## Principles to Guide U.S. Counterterrorism Use of Force Policies

In any counterterrorism or counterinsurgency campaign, public confidence and legitimacy are critical to strategic success. When such confidence breaks down, allies, partner forces, and local populations are less likely to provide cooperation, support, and vital intelligence; terrorist recruitment and propaganda efforts thrive; and attacks against U.S. troops become more likely. The United States has the most professional and experienced military in the world, and as such the American people and our allies rightly place a great deal of trust and confidence in U.S. military operations. As the United States continues to refine its policies on the use of force in counterterrorism operations, the following principles should guide policymakers. These principles, many of which are legally required, are designed to enable effective, nimble, and sustainable use of our military forces in the campaign to defeat ISIS, and other organized armed groups that pose a threat to the United States in Iraq, Syria, and other parts of the world.

### 1. Continue to Prioritize Civilian Protection

The United States has always put a strong premium on minimizing civilian harm in armed conflicts, both because it is the right thing to do and because doing so is strategically beneficial. However, even small numbers of unintentional civilian deaths or injuries—whether or not legally permitted—can cause significant strategic setbacks. For example, civilian deaths from U.S. operations can cause partners and allies to reduce operational collaboration, withdraw consent, and limit intelligence-sharing; increase violence from militant groups; and foster distrust among local populations that are crucial to accomplishing the mission. As a result, reducing civilian harm and appropriately responding to harm that does occur play an important role in helping the United States achieve its mission objectives. Since the 9/11 attacks, the United States has made important changes to the processes and procedures for reducing and responding to civilian harm—with clear, positive results. To that end, the United States should continue to:

- Take feasible precautions in conducting operations to reduce the likelihood of civilian casualties. In some situations—for example, outside of traditional war zones or when engaging in areas with high civilian density—rules of engagement that go beyond what is strictly required by the law of armed conflict may be strategically beneficial to accomplish the mission and secure the peace;
- Review or investigate incidents involving civilian casualties;
- Promptly acknowledge U.S. responsibility for civilian deaths;
- Provide remedies to civilians who are injured and family members of civilians who are killed;
- Work with foreign partners to share and develop best practices for reducing and responding to civilian harm;
- Maintain open channels of communication and engagement with the International Committee of the Red Cross and nongovernmental organizations in conflict zones to improve efforts to distinguish between military objectives and civilians.

2. **Maintain Existing High Standards and Procedures for Uses of Force Outside Traditional War Zones**

The existence of terrorist organizations that orchestrate attacks from nations that lack the ability or willingness to address the threat posed by these armed groups has resulted in the use of armed force by the United States in self-defense in locations where it has minimal or no forces on the ground. The use of force outside traditional war zones, particularly using drone and other air strikes, raises complex legal, strategic, diplomatic, and humanitarian considerations that warrant continued use of heightened standards and procedures. To ensure that such operations are both strategically effective and lawful, the executive branch should, absent extraordinary circumstances:

- Ensure that there is an efficient and effective interagency legal and policy review process for approving such operations to ensure that the president has the full range of information, as well as the perspectives and advice of his relevant top national security and intelligence officials, needed to make a considered decision, and that all relevant government components are prepared for the various contingencies that may result;
- Use lethal force only when there is a near certainty—or a similarly high standard—that no civilian harm will occur; this standard has proven useful for maintaining support for kinetic operations among foreign governments and populations, and for minimizing the downsides and unintended consequences that occur when the United States accidentally kills or harms civilians.
- Require near certainty—or a similarly high standard—that the target has been accurately identified and is present;
- Use lethal force only in compliance with the requirements of domestic and international law and to address a threat that cannot be neutralized by other means, including capture by U.S. forces or local law enforcement, where feasible based on the risks and other factors associated with a potential capture operation. Capture operations offer the best opportunity for collecting vital intelligence needed for disrupting future terrorist plots.

3. **Commit to Meaningful Transparency and Oversight**


While certain kinds of information must remain secret in the interest of national security, transparency to the public and oversight by Congress enhances the legitimacy of U.S. actions. Public disclosure regarding the legal and policy frameworks pursuant to which the U.S. operates—and the effects of those operations—enables the United States to broadcast successes; restore credibility when mistakes occur; and correct erroneous allegations of civilian casualties or unlawful operations that fuel enemy propaganda and recruitment, and can turn allies, partners, and local populations against the United States. Effective congressional oversight helps maintain confidence in U.S. operations when certain details must be withheld from the public. The United States has already made important improvements in transparency and oversight, and the following steps would bolster confidence in the legality and effectiveness of U.S. counterterrorism efforts:

- Streamline congressional oversight and ease transparency by ensuring that the Department of Defense has primary responsibility for lethal operations;
- Continue to publicly report the number of civilians and combatants killed in U.S. strikes;

- Consistent with national security, release to the public any updates or changes to the legal and policy frameworks that guide the United States' use of force and related national security operations;

4. **Evaluate the Strategic Costs, Benefits, and Consequences of Lethal Operations**

Evaluating the strategic impact, including both costs and benefits, of lethal force operations is critical to ensuring that lethal strikes are used in ways that advance, rather than undermine, U.S. national security and other important national interests. The new administration should conduct a comprehensive interagency strategic review of the use of force, particularly outside of traditional war zones. The review should be ongoing and should specifically assess the impact of lethal operations on:

- The nature and scope of the terrorist threat;
  - The ability of terrorist organizations to recruit new members, launch attacks, and garner support;
  - Global, regional and local attitudes towards the United States and its allies;
  - The availability and effectiveness of other means of countering terrorism;
  - Long-term success in reducing the threat of terrorism.
- 

MATERIAL SUBMITTED FOR THE RECORD BY THE HONORABLE TED LIEU, A  
REPRESENTATIVE IN CONGRESS FROM THE STATE OF CALIFORNIA

BAD INTEL, BAD JUDGMENT

## On the Eve of Congressional Hearings, New Evidence About Alleged U.S. Massacre in Somalia

A series of incidents involving Special Operations Forces in Africa raises questions about oversight, effectiveness, and whether a coherent strategy exists at all.

CHRISTINA GOLDBAUM

12.06.17 12:20 PM ET

MOGADISHU, Somalia—New evidence in [The Daily Beast investigation](#) of a U.S.-led ground operation in Somalia last August further implicates U.S. Special Operations Forces directly in the death of 10 civilians. Among the new elements is an interview with a Somali National Army soldier who says he saw the Americans firing on unarmed victims. The Pentagon has said all those killed were “armed enemy combatants.”

The operation was one of three major incidents involving U.S. forces in Africa this year that have raised questions surrounding U.S. military engagement across the continent and prompted the House Committee on Foreign Affairs to hold a hearing, scheduled for Thursday morning, to discuss U.S. counterterrorism efforts in Africa.

According to the Somali National Army (SNA) soldier who was with the American special operators during the incident, the team approached the farm where the incident occurred with eight U.S. soldiers in front of the 20 Somali National Army soldiers and four U.S. operators behind them.

The Americans in the lead then fired on two unarmed people who were preparing tea, after which Somali National Army soldiers rushed forward and fired on three farmers in a

nearby shed. The U.S. soldiers began firing at others in the farming village who came out of their homes.

The account by the SNA soldier, who spoke on condition that his name not be used, corroborated earlier Daily Beast reporting and contradicts a U.S. Africa Command press release issued 30 minutes after The Daily Beast published its months-long investigation into the incident.

The Daily Beast had chronicled in considerable detail the way in which a team of U.S. Special Operations fighters carried out a ground operation acting on human intelligence that came from local rivals of those killed on the farm, and against the advice of the commander of the African Union Peacekeeping contingent in this region in Somalia.

The AFRICOM press release stated that, “After a thorough assessment of the Somali National Army-led operation near Bariire, Somalia, on Aug. 25, 2017 and the associated allegations of civilian casualties, U.S. Special Operations Command Africa (SOCAF) has concluded that the only casualties were those of armed enemy combatants.” (The full text of the brief AFRICOM statement was appended to our story after its release.)

AFRICOM’s response denying the allegations of civilian casualties caused outrage among Somalis, few of whom doubt the farmers killed were civilians, and has put increased pressure on the Somali Federal Government to release the findings of its own investigation. According to multiple sources familiar with the Somali government inquiry, it determined the farmers were civilians who were wrongly killed, but it was buried as the result of U.S. pressure.

None of the over two dozen Somali National Army members, clan elders, surviving farmers, or security and government officials interviewed in the course of The Daily Beast investigation were contacted by U.S. investigators, raising questions in Somalia as to whether any of the investigation’s sources included those outside the U.S. military.

## **“We’ve been fighting al-Shabaab for a decade, why haven’t we won?”**

— Question put to Pentagon by Trump transition team

On Monday, citing The Daily Beast investigation and other concerns, Rep. Ted Lieu (D-CA) announced he had successfully called for a hearing by the House Foreign Affairs Committee to be held Thursday morning to look at U.S. counterterrorism efforts in Africa. “From combating Al Shabaab in Somalia to Boko Haram in Nigeria,” Lieu said in a statement, “U.S. military personnel are deployed across the African continent with little public scrutiny or awareness. It is critical that we bring more transparency to the years-long work of U.S. Special Operations Forces in sub-Saharan Africa, their rules of engagement and the broader regional strategy.”

This year alone:

A U.S. Navy SEAL was killed in Somalia during a ground operation in May. It was the first U.S. combat death in the country since the infamous Black Hawk Down incident which occurred during the Battle of Mogadishu in 1993.

In Niger in October four U.S. soldiers were killed in what had been described as a “low risk” mission when their convoy was ambushed by armed militants. (It is telling that after the incident U.S. senators said they had no idea some 1,000 U.S. troops had been deployed in Niger).

In Mali in June a Green Beret allegedly was murdered by two Navy SEALs when he discovered the SEALs were pocketing cash from their informant fund in Mali.

And U.S. Special Operators appear to have fired on civilians in Somalia, acting on intelligence that the operators had not sufficiently vetted in an operation that had been advised against by local partners.

Each of these incidents has raised questions not only about oversight and effectiveness of U.S. military strategy in Africa, but also if a coherent strategy exists at all.

TWO YEARS BEFORE U.S. Africa Command was established in 2008 to centralize the structure for U.S. forces across Africa, just one percent of all U.S. Special Forces deployed overseas were operating on the continent.

But with the new command structure came a new way of operating across Africa.

As in Iraq and Afghanistan, where Gen. David Petraeus' revised counterinsurgency field manual, published in 2006, was perceived as an effort to turn U.S. soldiers into armed humanitarians building roads, digging wells, and constructing schools for local populations, AFRICOM officials imagined the troops they oversaw would act in a similar capacity; the continent had long been considered a backwater harboring terrorist groups and underdevelopment was assumed to be a major cause for recruitment.

But in Iraq and Afghanistan the difficulties of implementing the armed humanitarian approach became apparent as millions were poured into projects that had little impact, and the same problems became evident in Africa.

As a result, AFRICOM's *raison d'être* swung to the other end of the counterinsurgency spectrum to focus on building local military capacity and supporting those troops with air strikes and in ground operations.

In the course of a few years, AFRICOM had in effect jettisoned the idea of preventing terrorism and winning the hearts and minds of those on the African continent through development, instead assuming that local support would follow U.S. efforts to rid countries of their terrorists, the numbers of which had continued to spread across the Sahel.

By March 2015, when Gen. David Rodriguez, then commander of AFRICOM, addressed the Senate Armed Services Committee, the number of U.S. military trainings missions,

exercises and operations across the continent was 674, an astonishing 300 percent increase in the number of annual operations and training exercises since AFRICOM was established. This year that number has skyrocketed to 3,500 total activities per year, a 1,900 percent increase from 2008.

## **“Show me the strategy. We’re waiting to see a strategy.”**

— Skeptic attached to U.S. mission in Somalia

But as military operations across Africa have rapidly increased, the creation of a new coordinated strategy across Africa, and political oversight over AFRICOM’s strategy on the continent, have not. Congress has not voted on engaging U.S. troops in these preventative war efforts and the House Committee hearing Thursday will be the first hearing to discuss U.S. counter-terrorism in Africa.

WHEN PRESIDENT DONALD TRUMP took office this year, his transition team seriously questioned the massive investment the Department of Defense had poured into the continent. In January, *The New York Times* obtained a four-page list of questions related to U.S. involvement in Africa, which questioned the value of humanitarian aid as well as the purpose of U.S. military involvement. One question simply asked, “We’ve been fighting al-Shabaab for a decade, why haven’t we won?”

The question raises a compelling point. Al Shabaab is composed of an estimated 3,000-5,000 soldiers operating on a shoestring budget with rudimentary military equipment and operational capacity compared to groups like the so-called Islamic State. It has not shown the capacity to carry out terror attacks outside the East African region nor strong linkages to Al-Qaeda, to which it pledged allegiance in 2012.

Yet the same lack of sophistication and strong international ties that defy the notion that the group is a direct threat to American lives also created the perception that the war

against Al Shabaab is a winnable one, according to an individual working with the U.S. mission in Somalia.

So, rather than draw down U.S. troops in the country, Trump's administration doubled down on its efforts to defeat Al Shabaab.

In addition to rapidly transforming the U.S. military base in Baledogle, a former Soviet Airstrip now occupied by American forces and the SNA Special Forces called Danab which the U.S. trains, in March the Trump administration also designated parts of Southern Somalia an "area of active hostilities" where war-zone targeting rules apply.

The change in policy freed U.S. Special Operators from the Obama-era drone strike rules known as the Presidential Policy Guidance, which required interagency vetting of airstrikes and that the target pose a direct threat to American lives.

The Joint Special Operations Command or JSOC had for years carried out such defensive drone strikes across Somalia, but with the new guidelines, as well as leadership by Lt. Gen. Austin Miller, who led a contingent of the Delta Force in the 1993 Battle of Mogadishu, the pace of strikes has increased dramatically. So far this year, the U.S. has conducted 31 confirmed drone strikes, with 10 in the last month.

Still, drone strikes alone do not a coordinated strategy make. And though the U.S. plans to grow Danab's few-hundred-soldier battalion, to date Danab acts more as a supplementary force to U.S. Special Operators, with Americans planning operations, preparing Danab for those operations, and commanding Danab forces in the course of them.

Whether the force has a future as an independent entity which can dramatically turn the tide in the war against Al Shabaab remains unclear. But these two tactics—build up Danab and ramp up drone strikes—are the most visible facets of any U.S. military strategy in Somalia.

Apart from that, the consensus among those working with the U.S. mission is that a coordinated strategy between the Department of State and Department of Defense to defeat Al Shabaab in Somalia is scattershot, if one exists at all. “There is no U.S. strategy here,” says one individual working with the U.S. mission in Somalia. “Show me the strategy. We’re waiting to see a strategy.”

IN THE ABSENCE OF a coherent policy dictated from higher authorities, U.S. Special Operations Forces on the ground have inherited the de facto authority to create their own strategies when determining which operations to carry out in the countries to which they are deployed.

As Sen. Lindsey Graham (R-SC) told reporters in October, after Defense Secretary Jim Mattis briefed members of the Senate Armed Services Committee on U.S. military operations on the continent: “You’re going to see more actions in Africa, not less; you’re going to see more aggression by the United States toward our enemies, not less; you’re going to have decisions being made not in the White House but out in the field.”

It is likely for this reason that the team of U.S. Special Operators in Somalia was neither deterred by nor in violation of any specific guidelines when undertaking the campaign to capture Bariire town and the surrounding area without the support of the African Union peacekeeping force in the region, and using a partner force of regular SNA troops, widely known to be under-trained and under-equipped, rather than Danab.

The extensive Daily Beast investigation into the incident found that U.S. Special Operators had acted on human intelligence which, had they been aware of the local context, would have been obviously questionable if not directly misleading.

**“The briefing the interpreter gave us was that... we could start shooting to protect the Americans.”**

— Somali National Army soldier who participated in Aug. 25 incident

Specifically, the U.S. Special Operations team had used information provided by Biyomal clan militia leaders who are active rivals to the Habar Gidr clan of the owners of the farm, which was later raided by U.S. and Somali troops.

In light of additional reporting, new evidence has emerged regarding the collection of information on which the U.S. team later acted, and what occurred on the farm during the operation itself, an account which contradicts that offered by AFRICOM.

According to two SNA soldiers who retook the town of Bariire alongside U.S. Special Operators on August 18, the day after the joint U.S.-Somali force retook the town a Biyomal clan militia approached the SNA commander, Sheegow Ali Ahmed, and the U.S. Special Operators, offering them camels and information on Al Shabaab activities in the region.

The meeting took place under a tree on the south side of Bariire town, where the Biyomal militia leader, “Cornel,” SNA Commander Sheegow, an estimated eight U.S. Special Operators, their interpreter called “Bashir,” and a few Digil clan elders met to discuss the security landscape in the region.

According to one SNA soldier present, Cornel explained that all the farms from the outskirts of Bariire town down the Shabelle River Corridor were havens for Al Shabaab and he requested arms and ammunition from the Americans to help fight the extremists. The Americans responded by telling Cornel they could not support clan militias, but could only work Somalia’s official national army.

Locals in the region and in Mogadishu know the farms Cornel described are primarily Habar Gidr owned farms, which Biyomal militias have been raiding for years. It appears Cornel was trying to convince the Americans they were Al Shabaab territories in order to gain support in an effort to drive the Habar Gidr out of the region.

**Note:** This material has not been reprinted in its entirety but may be found at: <http://docs.house.gov/Committee/Calendar/ByEvent.aspx?EventID=106703>



**Statement for the Record**  
*Submitted by Mr. Connolly of Virginia*

Terrorism poses a grave threat to African security and to U.S. interests in stability and prosperity across the continent. U.S. counterterrorism efforts have mainly focused on building the capacity of African partner forces to prevent, counter, and respond to terrorist attacks. While government-to-government cooperation is more extensive than at any previous time, the Trump Administration's FY 2018 international affairs budget, disdain for diplomacy and foreign assistance, and reprehensible anti-Muslim rhetoric and policies have severely handicapped U.S. efforts.

The Trump Administration has proposed cutting bilateral U.S. military and economic assistance to sub-Saharan Africa by more than one-third. Secretary of State Rex Tillerson has presided over an unprecedented hollowing out of the State Department, including an eight percent cut to the U.S. Foreign Service. Beyond slashing these financial and human resources, President Trump has spewed hateful Islamophobic ideology that severely undermines the U.S. approach of partnering with affected communities to eliminate these security threats throughout sub-Saharan Africa.

Terrorist activity is concentrated in three main regions of sub-Saharan Africa: the Horn of Africa, the Lake Chad Basin, and Mali/Sahel. In the Horn of Africa, Somalia-based Al Shabaab, an Al Qaeda affiliate, remains the dominant regional terrorist group and continues to threaten the Somali government's tenuous hold on security throughout the country. In the Lake Chad Basin, Boko Haram has expanded its operations beyond Nigeria's borders into Cameroon, Niger, and Chad since 2015. Boko Haram has also split into two factions, one following Boko Haram's self-described leader, Abubakar Shekau, and another that pledged allegiance to the Islamic State and now refers to itself as the Islamic State's West Africa Province (ISIS-WA).

Al Qaeda's oldest continuously operating affiliate in Africa is Al Qaeda in the Islamic Maghreb (AQIM), which recently expanded its areas of influence by exploiting popular uprisings in Tunisia and Libya in 2011 and the subsequent civil war in Mali. AQIM is responsible for a range of criminal activities, including kidnapping for ransom and smuggling, conducting attacks on local government entities and security forces, and directing a string of mass-casualty attacks targeting Western civilians across the Maghreb and Sahel regions. A number of other terrorist groups are operating in Mali, including the Islamic State of the Greater Sahara (ISGS), which is likely responsible for the October 2017 ambush of U.S. military personnel along the Niger/Mali border.

The Niger incident is a perfect example of the way military operations can unwittingly snowball into a far larger, sustained engagement. At present, the United States has approximately 6,000 military personnel providing training and equipment to partner governments in Libya, Niger, Chad, Djibouti, and Somalia. In the wake of the Niger attacks, the Pentagon recently announced a major expansion of the U.S. military's efforts to counter terrorism in Africa by permitting armed American military drones for use against jihadist terror groups in Niger. Instead of expanding our military footprint, this tragedy should inform a larger discussion of a comprehensive U.S. strategy in the evolving war on terrorism

that achieves the right balance among the allocation of military, diplomatic, and development resources.

Earlier this week, I delivered the keynote address at a conference on security in the Islamic Maghreb. I shared several lessons learned from U.S. counterterrorism experience in the region that are applicable across the continent. First, U.S. counterterrorism policy has been dominated by a hard power approach, employing our military resources at the expense of our diplomatic and development efforts. We must remember that all military and economic assistance is diluted in the absence of stable governments and strong democratic institutions, especially civil society. We need to create political space for opposition, so there is not just one radical extremist alternative to the status quo. And for those who may be attracted to extremist messaging or returning from radicalized environments, we need to aggressively ramp up efforts to counter such messaging on social media and develop viable programs for reintegration.

At this time of increased challenges to global security and stability, we need all the tools in our national security toolbox to counter the threat of terrorism and protect U.S. interests in sub-Saharan Africa. I look forward to hearing from our witnesses regarding the Trump Administration's strategy to improve security on the African continent through both hard and soft power.



Questions for the Record from Chairman Edward Royce  
Counterterrorism Efforts in Africa  
December 7, 2017

**Question:**

**Boko Haram and ISIS-West Africa:** In June 2017, the Administration submitted their five-year interagency strategy to counter Boko Haram/ISIS-West Africa, Pursuant to PL 114-266. How did the Departments of State and Defense work together to develop this strategy? How are they working together to implement it? How will the recent sale of 12 A-29 Super Tucano aircraft impact the ability of Nigerian forces to combat Boko Haram and ISIS-West Africa?

**Answer:**

**Mr. Sullivan's Response:**

The Department of State and Department of Defense worked closely alongside other agencies to create the comprehensive U.S. Strategy for Countering Boko Haram and ISIS-West Africa (BH and ISIS-WA). The strategy provides a framework for the United States to employ diplomatic, development, defense, and other tools to assist and enable our African partners in the Lake Chad Basin region to lead the effort to degrade and ultimately defeat BH and ISIS-WA, and also addresses the underlying drivers of violent extremism. The Department of State, Department of Defense and other relevant U.S. agencies attend weekly meetings to track the strategy's progress and contribute to quarterly discussions with our allies to address multilateral issues and objectives. The Department of State's Bureau of Conflict and Stabilization Operations (CSO) has deployed a field representative to the region to assist with coordination and strategy implementation amongst the Embassies, U.S. military elements, and international partners.

The pending sale of 12 A-29 Super Tucano aircraft will assist Nigerian forces to more effectively combat Boko Haram and ISIS-West Africa. The A-29 Super Tucano is a modern, light strike aircraft designed for counter-insurgency operations in austere environments, making it an appropriate choice for the ongoing conflict in Northeast Nigeria. Upgraded air platforms and the specialized training program set to be included with this sale will improve targeting while reducing the risk of collateral damage. This capability will help the Nigerian military to respond rapidly and effectively to BH and ISIS-WA movements in an area the size of New York State. The platform will also provide much-needed intelligence, surveillance, and reconnaissance capabilities. In addition to enhancing Nigerian military operations against terrorist organizations, these aircraft will improve Nigerian efforts to counter illicit trafficking in Nigeria, along its land borders, and in the Gulf of Guinea. As part of the Foreign Military Sales process, we have worked alongside the Department of Defense with Nigeria to define its requirements for this capability, including maintaining a balance between military needs and defense budgets. Given both the gravity of the threat in the Northeast and the long-term importance of security sector modernization, the Government of Nigeria has made it clear that this purchase is a national priority.

Equipment alone is insufficient to secure the type of transformation we wish to see in the Nigerian military. Equally critical to Nigeria's long-term success against BH and ISIS-WA is the military's

conduct on the battlefield, approach to respecting human rights, and efforts to protect civilians. Expanding our security cooperation with Nigeria does not diminish the emphasis we place on human rights and the protection of civilians, but rather generates opportunities to amplify these messages and support the development of a more professional Nigerian military.

Mr. Trachtenberg's Response:

The Department of State (DOS) and Department of Defense (DoD) worked closely alongside other U.S. departments and agencies to create the comprehensive U.S. Strategy for Countering Boko Haram and ISIS-West Africa (BH and ISIS-WA). The whole-of-government approach seeks to enable our African partners in the Lake Chad Basin to effectively counter BH and its offshoot ISIS-WA. The strategy provides a framework for the United States to employ diplomatic, development, defense, and other tools to assist and enable our African partners to lead the effort to degrade and ultimately defeat ISIS-WA and BH. The strategy outlines how the United States will assist partner governments in the Lake Chad Basin to degrade ISIS-WA and BH and address the underlying drivers of violent extremism. The United States will continue to coordinate our approach to countering ISIS-WA and BH with allies, partners, and international organizations. DOS, DoD, and other relevant U.S. Government departments and agencies attend weekly meetings to track the strategy's progress and contribute to quarterly discussions with our allies and partners to address multilateral issues and objectives. DOS's Bureau of Conflict and Stabilization Operations (CSO) has deployed a field representative to the region to assist with coordination and implementation of the strategy among the embassies, U.S. military elements, and international partners.

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Equipment alone is insufficient to secure the type of transformation we wish to see in the Nigerian military. Equally critical to Nigeria's long-term success against ISIS-WA and BH is the military's conduct on the battlefield, approach to respecting human rights, and efforts to protect civilians. Expanding our security cooperation with Nigeria generates opportunities to amplify the emphasis on human rights and protection of civilians and supports the development of a more professional Nigerian military.

**Question:**

**ISIS/Al-Qaeda Affiliates and the 2001 AUMF:** In March 2015, Boko Haram's leadership fractioned, and Abu Musab al Barnawi and his followers pledged allegiance to ISIS, rebranding as Islamic State's West Africa Province (ISIS-WA). Another ISIS affiliate, the Islamic State of Greater Sahara, operates in the Sahel region and was founded by former members of Al-Qaeda in the Mahgreb (AQIM). In November 2017, the U.S. conducted two airstrikes targeting ISIS militants in Somalia.

What is the practical significance of affiliations with ISIS and Al-Qaeda, in terms of these groups' strategic aims and tactical capabilities? Does "core" ISIS and Al-Qaeda exercise "command and control" over these groups or provide them with funding or other assistance?

To what extent do Al Qaeda-aligned and IS-aligned factions in the Sahel—such as AQIM and the Islamic State-Greater Sahara faction, founded by former AQIM fighters—act in competition or cooperation with each other?

Does the Department of Defense interpret the 2001 AUMF as providing authority to target Boko Haram, AQIM, ISIS-WA, Islamic State of Greater Sahara, or ISIS affiliates in Somalia? Reports indicate that the U.S. will soon send armed drones to Niger. Will these assets be used to conduct strikes under the 2001 AUMF?

**Mr. Sullivan's Response:**

ISIS maintains branches and affiliates in Sub-Saharan Africa, including ISIS-West Africa and ISIS-Somalia, that seek to conduct or inspire attacks on the continent, in Europe, and against U.S. interests. Al-Qa'ida's branches in the region include al-Shabaab and al-Qa'ida in the Islamic Maghreb (AQIM), which remain a threat to civilians and government installations in the region as well as U.S. and western interests. The State Department closely monitors local terrorist groups that could adopt transnational causes, whether to garner global recognition, inspiration, messaging expertise, or funding. Further details about the relationship of ISIS and al-Qa'ida with their affiliates and networks in Sub-Saharan Africa would need to be discussed in a classified setting.

ISIS and Al Qaeda affiliates generally remain distinct and separate entities in sub Saharan Africa. However, there is evidence of coordination and cooperation at lower "tactical" levels in the Mali, Niger, and Burkina Faso tri-border region. Many terrorist fighters in this region move from one group to another and back again.

**Mr. Trachtenberg's Response:**

Across Africa, we have observed a variation in the degree of affiliation to ISIS and al-Qa'ida by various terrorist groups. In general, we believe that many terrorist groups operating in Africa share the strategic aim of destabilizing legitimate governance structures, as well as facilitating illicit trafficking and conducting attacks within African countries and across borders. "Core" ISIS and

al-Qa'ida offer funding and other support, to varying degrees, to several groups currently active across Africa.

We defer to the Intelligence Community to offer its assessment of the extent to which al-Qa'ida-aligned and ISIS-aligned factions in the Sahel act in competition or cooperation with each other.

Proposals for military direct action against al-Qa'ida- or ISIS-affiliated groups undergo an interagency review to determine whether the groups fall within the scope of the 2001 AUMF. DoD is currently conducting military direct action against ISIS in Somalia pursuant to the domestic legal authority provided by the 2001 AUMF. Although this does not mean that the other groups listed are not within the scope of the 2001 AUMF, a detailed review of their status would be made only in the context of contemplated military action, and, as such, discussion should be conducted in a classified forum.

**Question:**

**War Powers Resolution:** Pursuant to the War Powers Resolution, the President reports to Congress every six months on deployments of U.S. forces equipped for combat. The most recent semiannual War Powers report describes a number of deployments in Africa: East Africa (including Somalia and Kenya), Djibouti, Libya, and the Lake Chad Basin region (including Niger and Cameroon). Chad and Nigeria are not listed in the July 2017 notification. Are U.S. troops, equipped for combat present in these countries?

**Answer:**

**Mr. Sullivan's Response:**

The President provides a supplemental consolidated report to Congress consistent with the War Powers Resolution every six months with the stated purpose of keeping the Congress informed about deployments of U.S. Armed Forces equipped for combat. The most recent such consolidated report to Congress was provided on December 11, 2017, and indicate that U.S. military personnel are deployed to both Chad and Nigeria to support counterterrorism operations.

**Mr. Trachtenberg's Response:**

The President provides a supplemental consolidated report to Congress consistent with the War Powers Resolution every six months with the stated purpose of keeping the Congress informed about deployments of U.S. Armed Forces equipped for combat. The next such consolidated report to Congress, will be provided on December 11, 2017, and will indicate that U.S. military personnel are deployed to both Chad and Nigeria to support counterterrorism operations.

**Question:**

**Train and Equip, Advise and Assist:** Congress first authorized the Defense Department, on a temporary basis, to train and equip foreign militaries globally for counterterrorism and other purposes in the FY 2006 Defense Authorization bill. The FY17 NDAA expanded and consolidated

the Department's "train and equip" authority as 10 U.S.C. 333. Separately, Congress has authorized U.S. Special Forces to "provide support to foreign forces, irregular forces, groups, or individuals" for counterterrorism purposes. This authority, 10 U.S.C. 127e, is often known as "advise and assist." What are the advantages of deploying U.S. Special Forces to work with partner forces in countries such as Niger and Somalia, compared to train and equip programs? How are these programs used to complement each other? How does "advise and assist" differ from a direct combat role? What steps is the Administration taking to ensure the forces carrying out these missions have sufficient support?

**Answer:**

**Mr. Sullivan's Response:**

"Train and equip" programs in Niger and Somalia, whether authorized under Title 10 or Title 22, support our policy goal to work by, with, and through our African partners to achieve counterterrorism objectives and contain the spread of violent extremism. The train and equip programs are part of a strategic approach that supports partner country efforts to address immediate security crises and, in addition, builds the institutions and durable capabilities required for these countries to ultimately take greater responsibility for their own security over the longer term.

We defer to the Department of Defense to answer questions related to "advise and assist" programs authorized under 10 U.S.C. 127e.

**Mr. Trachtenberg's Response:**

Deploying U.S. forces to provide security force assistance to partners in strategically important locations significantly increases the effectiveness of the by, with, and through approach to counterterrorism that DoD employs in many areas. It also provides key placement and access to illuminate threat networks in areas where we would not otherwise have insight. An experienced and professional cadre of U.S. forces is key to developing foreign partners to ensure their success on operations. 10 U.S.C. Section 333 and Section 127e are two examples of express statutory authority that allow DoD to train and equip partner forces. These authorities may be used in conjunction with operational deployments of U.S. armed forces to "advise and assist" partner forces in combined operations. Training and equipping partner forces and advising and assisting those same forces during combined operations are often complementary activities. Each Combatant Command continually assesses the security force assistance missions in its area of operations to ensure that U.S. forces are provided adequate support to accomplish the mission with minimum risk to the force.

**Question:**

**Somalia:** The U.S. has been a key supporter of the African Union Mission to Somalia (AMISOM). In late 2013, the U.S. military, which had maintained a small contingent of personnel in Somalia for several years, also deployed a team of military advisors to liaise with Somali security forces. The United States has taken direct action in Somalia against members of al-Qaeda and al-Shabaab. U.S. air strikes have increased in recent years, killing key senior al Shabaab operatives.

Director of National Intelligence Dan Coats testified in May that al-Shabaab's capacity to conduct attacks outside Somalia had "diminished after the deaths of many external plotters since 2015," but that the group continued to "pose a real threat to the region, especially Kenya." Does this remain the Administration's assessment?

AMISOM has announced the withdraw of 1,000 troops by the end of the year and is expected to fully withdraw by 2020. Will Somalia forces be capable of securing the country by that point? What is the absorptive capacity of federal and regional forces in the Somalia?

How effective are our efforts to support government institutions in Somalia? What are the benchmarks for success and how are we monitoring our efforts?

**Answer:**

**Mr. Sullivan's Response:**

We remain concerned about al-Shabaab's operational capacity. The group's external attack capabilities have diminished due to the removal of several capable external plotters over the last two years. Nevertheless, despite losses in revenue, territory, and operatives—largely sustained as a result of regional counterterrorism operations and U.S. air strikes—al-Shabaab retains some capacity to commit terrorist attacks. In particular, al-Shabaab continues to pose a significant threat to Somalia and Kenya. In Kenya, the northeastern regions bordering Somalia are particularly vulnerable. While al-Shabaab's ability to conduct attacks outside of Somalia has diminished, we do not discount the possibility that the terrorist group may attempt external attacks outside of Somalia and Kenya in the future.

The State Department assesses that AMISOM will remain in Somalia beyond 2020, notwithstanding likely incremental troop reductions and uncertainties regarding funding for AMISOM salaries. Somali forces are unlikely to be able to fill the security gap that would be left by a complete AMISOM withdrawal at that time; we advocate a conditions-based drawdown that reflects the pace of development of Somali security forces. The absorptive capacity of Somali federal and regional security forces differs significantly by unit and geographic location. The United States is focusing assistance to develop and sustain mentored units that have the capacity to effectively utilize that support to combat al-Shabaab and other terrorists. We have suspended security assistance to non-mentored Somali National Army (SNA) units pending an agreement with the Federal Government of Somalia (FGS) on measures to improve transparency, accountability, and oversight. The FGS supports this decision, recognizes the urgency of developing Somali forces capable of backfilling.

U.S. government efforts to support Somali government institutions, which focus on building governance capacity and strengthening Federal and sub-national government's credibility among the Somali people, are having positive effects. Stabilization programming has helped expand legitimate governance in 17 of Somalia's 18 regions. Democratic advisory support is strengthening the Somali parliament's oversight of the Federal Government of Somalia (FGS) and played a critical role in improving the transparency of the 2016-17 Somalia electoral process, as

well as the 2017 Somaliland elections. U.S.-funded advisors in the Ministry of Defense supported the FGS in delivering a National Defense Strategy, and were integral in the design, execution, and analysis of the Operational Readiness Assessment of the Somali National Army. Given ongoing security restrictions, monitoring of these programs is generally conducted by third-party implementers.

In December 2017, USAID signed a Development Objective Assistance Agreement with the FGS, the first comprehensive bilateral development agreement signed between the United States and Somalia in over 30 years. Programming efforts will be measured under the New Partnership for Somalia Mutual Accountability Framework, which will form the basis for jointly monitoring assistance programs against a shared set of policy commitments to be undertaken by the FGS, including key political milestones, more robust anti-corruption measurements, and the creation of a more conducive enabling environment for economic growth and investment.

Mr. Trachtenberg's Response:

While al-Shabaab still poses a threat to the region, most planned attacks outside Somalia have been thwarted over the past two years due to effective intelligence sharing and dismantling of external plotter networks. Although al-Shabaab attacks outside Somalia have been greatly reduced, al-Shabaab terrorist attacks remain a threat throughout the region, especially in AMISOM contributing nations, and the United States and its allies and partners must maintain pressure on the network.

Although funding for AMISOM forces remains uncertain, DoD does not assess that conditions will permit AMISOM to withdraw completely from Somalia by 2020. Presently, Somali forces are not able to fill the security gap that would be left by a complete AMISOM withdrawal. The absorptive capacity of Somali federal forces differs significantly by unit, which is why the United States has focused its support on mentored units that have demonstrated the ability to fight al-Shabaab. In December 2017, DOS informed the Federal Government of Somalia (FGS) that the United States is pausing U.S. security assistance to non-mentored Somali National Army (SNA) units until a joint U.S.-Somali agreement is reached on measures to improve transparency, accountability, and oversight of U.S. security assistance. The FGS accepts this decision. Recognizing the urgency of developing Somali forces capable of backfilling AMISOM, the FGS is actively developing a new approach to improve the accountability and performance of non-mentored SNA units. The absorptive capacity of Somali regional forces is similarly location-dependent. The United States is expanding its support for elite units within the SNA, "Danab," incrementally in each sector. Recruitment for sector Danabs is being drawn from regional forces that meet certain fitness, suitability, health, and human rights vetting criteria.

US efforts to support Somali government institutions face several challenges. Most government institutions are nascent and are being created from nothing. Despite many challenges, progress is being made, but this is a long-term effort. Within the defense arena, examples of these efforts include: in May 2017, the Somali Government adopted the internationally-supported National Security Architecture which lays out a roadmap to develop security institutions and processes, which donors are helping to implement; Department of State-contracted advisors provide mentorship within the Somali Ministry of Defense; and the U.S. Military Coordination Cell in

Mogadishu is working with other donors and the SNA to develop doctrine, unit structures and command and control mechanisms. Through on-the-ground military mentors, DoD monitors U.S. efforts and resources and is able to make adjustments to maximize success.

**Question:**

**Sudan:** Despite the Administration's recent decision to lift significant sanctions on Sudan at the end of a process of engagement that began with the previous administration, the country remains designated as a State Sponsor of Terrorism. This places heavy restrictions on U.S. security cooperation. Serious concerns remain about human right in Sudan. Sudan remains designated as a State Sponsor of Terrorism. How does this designation impact U.S. engagement with Sudan? Is it being reviewed? Is the Administration prioritizing human rights in the U.S. relationship with Sudan?

**Answer:**

**Mr. Sullivan's Response:**

Sudan's designation as a State Sponsor of Terrorism (SST) is one of several restrictions on the United States government's provision of assistance to Sudan. Further, Commerce Department licenses are still required to export or reexport to Sudan certain items that are on the Commerce Control List.

The Government of Sudan wants full normalization of ties with the U.S., particularly rescission of its SST designation. Our next framework for engagement with the Government of Sudan, which we are calling "Phase II" and which remains in development, will provide Sudan an opportunity to address the statutory requirements and any other political conditions for the United States to consider rescission of its SST designation. We anticipate that the framework will require progress on a number of tracks, including human rights, counter terrorism, and regional security cooperation, as well as steps to address U.S. court judgments held by victims of terrorism, in order for the United States to consider rescinding Sudan's SST designation.

Although the Five Track Engagement Plan (STEP), which we concluded in October 2017, did not include a human rights track, efforts to identify and improve Sudan's poor performance regarding human rights and religious freedom has always been central in our engagement, and remained so through the STEP. As made explicit in our Human Rights and Religious Freedom reports, we are abundantly aware of the problems in these areas in Sudan, and we engage the Government frankly and clearly about the progress that needs to be made. The cornerstone of my November 2017 visit to Khartoum was a speech on human rights and religious freedom in Sudan. We used that speech to lay down some markers for what we will expect in our next phase of engagement ("Phase II") with Sudan. We believe it will be important to focus on a number of important but achievable goals in the area of human rights and religious freedom, with a focus on encouraging the freedoms of speech, assembly and religion, while discouraging the excessive use of force and related impunity on the part of security forces.

Mr. Trachtenberg's Response:

Sudan's designation as a State Sponsor of Terrorism (SST) is one of several restrictions on the United States Government's provision of assistance to Sudan. Sudan's inclusion on the SST list limits DoD's engagement options. Any DoD expenditures for the benefit of Sudan, including any type of training or equipping, are prohibited (without a Presidential waiver). However, there is room for DoD to conduct some advisory activities as well as conduct direct talks with the Sudanese. The Government of Sudan wants full normalization of ties with the United States, particularly the removal of its SST designation. DoD supports providing Sudan with an appropriate opportunity to address the statutory requirements and other conditions for the United States to consider removing its SST designation.

Improvements on human rights and religious freedom will be a part of any further engagement. We believe it will be important to focus on a number of important but achievable goals in these areas, with a focus on encouraging the freedoms of speech, assembly, and religion, and discouraging the excessive use of force and related impunity on the part of its security forces.



Questions for the Record from Ranking Member Eliot Engel  
Counterterrorism Efforts in Africa  
December 7, 2017

**Question:**

**Human Rights Violations as Drivers of Terrorism and Violent Extremism:** A recent survey conducted by the United Nations Development Program found that 71% of respondents pointed to an adverse interaction with state security forces as the factor that was the 'tipping point' in their decision to join terrorist organizations. Aside from Leahy vetting and human rights training, in what ways is the Administration seeking to ensure that partner militaries accused of human rights violations pursue tangible measures of accountability for such actions?

**Answer:**

Mr. Sullivan's Response:

The Department diplomatically engages to reinforce the importance of rights-respecting security practices to avoid the syndrome described by UNDP. We urge and support partners to investigate and hold accountable those responsible for human rights violations and abuses. Failure to implement accountability measures exacerbates the threat, further undermining security in partner countries and, ultimately, in the United States.

The Department also engages programmatically, particularly when partner countries have the political will to address those drivers, but lack human and financial resources. For example, the Department has supported and coordinated efforts in Africa and the Middle East, including bilateral assistance programs in Kenya, Tunisia, and Iraq, to build the capacity of foreign governments to investigate security force personnel for credible allegations of a gross violation of human rights (GVHR), prosecute those responsible, engage community leaders, and strengthen democratic reform. Another example includes programs started through the U.S. interagency Security Governance Initiative (SGI) that seek to strengthen judicial systems, improve the capacity of foreign governments to pursue accountability, and support institutions that are working to address issues of accountability.

Mr. Trachtenberg's Response:

This Administration recognizes that just governments and professional security forces must respect the fundamental liberty and dignity of people. We will hold perpetrators of genocide and mass atrocities accountable, and aid our partners in doing so. We are under no obligation to offer the benefits of our free and prosperous community to repressive regimes and human rights abusers. We may use diplomacy, sanctions, and other tools to isolate states, leaders, and security forces who threaten our interests and whose actions run contrary to our values. One such engagement tool is 10 U.S.C. 362. The "DoD Leahy Law" is more than just "vetting" and withholding of assistance to foreign security forces which have committed gross violations of human rights (GVHRs). The law also contains an exception to this restriction if foreign governments have taken all necessary corrective steps in response to such a violation. In applying this aspect of the law,

the Department of Defense takes all reasonable efforts to assist partner militaries in taking and/or supporting remediation measures, including impartial and thorough investigations, credible judicial or administrative proceedings, and any appropriate and proportional sentencing or administrative action. In advancement of these remediation measures, Section 1206 of the National Defense Authorization Act of Fiscal Year 2015 allows the Department of Defense to provide human rights training to foreign security forces otherwise prohibited from receiving such training due to a human rights violation. Such training is for the purpose of improving the conduct of foreign security forces to prevent violations, support accountability, strengthen compliance with the laws of armed conflict, strengthen respect of civilian control over the military, promote and assist in the establishment of a military justice system, and prevent the use of child soldiers. The Department of Defense also proactively provides human rights and law of armed conflict training as a component of all 10 U.S.C. Section 333 (Foreign Security Forces: Authority to Build Capacity) training, as well as through programs at the Defense Institute of International Legal Studies, and the Judge Advocate General's Legal Center and School. Another highly successful engagement tool is provided by Combatant Commands through their human rights programs, such as U.S. Southern Command's Human Rights Initiative (HRI) which actively promotes human rights compliance by military and security forces in the Western Hemisphere. Since 2004, eleven nations have committed their military or security forces to internally implement initiatives that include human rights training, creation of human rights policies, establishment of human rights offices and training centers, increased transparency and willingness to dialogue with civil society, cooperation with civilian-led investigations, and development of rules on the use-of-force that include human rights norms. The Joint Doctrine on Foreign Internal Defense (JP 3-07.1) acknowledges the U.S. military's role for example-setting to partner nation on human rights standards. Through the conduct of key leader engagements, effective implementation of the DoD Leahy Law, training to both mitigate the risk of and response to human rights violations, and Combatant Command human rights programs, the Department of Defense encourages transparency and accountability by partner militaries.

**Question:**

**Mali/Sahel:** The United States and the Government of Niger recently agreed upon a Memorandum of Understanding that would allow DoD to arm U.S. drones currently stationed in that country. What is the timeline for arming U.S. drones in Niger – and for what purposes will they be used (i.e., force protection, offensive operations, targeted strikes)? How will the Administration keep this Committee apprised of related developments, and any change in the US military mission in Niger?

**Answer:**

**Mr. Sullivan's Response:**

For any operational details on ongoing military operations, please direct your questions to the Department of Defense (DoD). We will continue to work with DoD to ensure that the committee remains informed about our multi-faceted engagement with Niger, including military activities.

**Mr. Trachtenberg's Response:**

The Government of Niger and the United States stand firm in working together to prevent terrorist organizations from using the region as a safe-haven. The Department of Defense will continue to apprise the congressional Defense oversight committees of developments on specific military authorities, permissions, and missions (including associated timelines) in classified sessions.

**Question:**

**Nigeria/Lake Chad Basin:** There have long been criticisms that the Nigerian government's approach to Boko Haram/Islamic State is too military-centric and has not addressed the governance-based grievances of the populations in the northeast. What are we doing to help the Nigerians develop non-military approaches to countering the Boko Haram/Islamic State insurgencies?

Boko Haram in Nigeria has pledged allegiance to ISIS. However, the previous administration determined that the 2001 AUMF did not cover Boko Haram because the organization is not an associated force of al Qaeda or the Taliban that is engaged in hostilities against the United States. In a recent Senate hearing, Secretary Mattis said that Boko Haram is considered an associated force under the 2001 AUMF because it has pledged allegiance to ISIS and al Qaeda. Could you please confirm what the current administration's view is on whether Boko Haram is an associated force that is covered by the 2001 AUMF? Has the Trump Administration changed the definition of "associated force" from the definition used by the Obama Administration? If so, how has this definition changed and, if not, can you explain the change with respect to Boko Haram? If the administration wished to use force against Boko Haram, would it need to obtain authorization from Congress first?

**Answer:**

**Mr. Sullivan's Response:**

During my November 20 visit to Abuja for the annual U.S.-Nigeria Bi-National Commission, senior Nigerian leaders shared the United States' view that military responses alone are insufficient to resolve the crisis in Nigeria's northeast. We agreed that a holistic approach, which incorporates development initiatives and respect for human rights alongside the ongoing humanitarian, rule of law, and accountability efforts, is essential to addressing the root causes of the conflict. It is important to note, however, that retaking and adequately securing and accessing territories captured by the Boko Haram/Islamic State insurgencies are prerequisites to ensuring that this holistic approach is successful. Ensuring civilian security will allow for the reestablishment of basic services and infrastructure, for the voluntary return of refugees and internally displaced persons to their homes, and for development and humanitarian efforts to ultimately succeed.

The United States provides non-military assistance to Nigeria in the form of police training, rebuilding police stations and barracks, training prosecutors, judges, prison officials, rebuilding schools and health facilities, and supporting agricultural development. We also work with communities to help strengthen early warning/early response mechanisms and build coalitions between key community voices, security forces, and the National Human Rights Commission to prevent and respond to human rights abuses. In October 2017, USAID announced a \$45.5 million

fund to support stabilization and early recovery efforts to help those who have been affected by violence in the northeast to rebuild their lives.

Since FY 2016, the United States has provided over \$741 million in humanitarian assistance to victims of the Boko Haram conflict, including to the people of Nigeria, mainly in the war-torn northeast, internally displaced persons across the Lake Chad region, and to Nigerian refugees in neighboring countries. The United States has also provided support to encourage disengagement, demobilization and reintegration (DDR) efforts in Nigeria and the Lake Chad Basin to encourage Boko Haram and ISIS-West Africa fighters to defect and leave the battlefield. The U.S. government's ongoing program with the U.S. Institute for Peace (USIP), known as the Northern Governors Dialogue, also illustrates our focus on state and local politics. In advance of the 2019 elections, the program's goal is to support the 11 governors of Nigeria's northern states, relevant federal government officials, and representative civil society leaders in addressing conflict drivers and stabilization-related challenges.

A determination of whether a group is covered by the 2001 AUMF is made at the most senior levels of the U.S. Government only after a careful evaluation of the intelligence concerning each group's organization, links with al-Qa'ida or the Taliban, and participation in al-Qa'ida's or the Taliban's ongoing hostilities against the United States or its coalition partners. The U.S. Government's definition of associated forces remains unchanged from the prior Administration. Any detailed discussion about Boko Haram and whether it is within the scope of the 2001 AUMF should be conducted in a classified forum.

Mr. Trachtenberg's Response:

In late November 2017, at the U.S.-Nigeria Bi-National Commission, Deputy Secretary of State John Sullivan addressed this issue, praising the recent A-29 Super Tucano FMS case as an example of an increased security cooperation but stating that a military response alone in northeast Nigeria cannot lead to sustained peace. He discussed and gave specific examples of improving security cooperation; economic growth and development; and democracy and governance between the United States and Nigeria in the next year.

For example, the United States is pushing for the Nigerians to make improvements to the economy and governance off the battlefield by formulating a comprehensive response to build a better future in northeast Nigeria, including changes to the political, economic, and social infrastructure. Additionally, the United States is urging the Government of Nigeria to ensure transparent and credible investigations of human rights violations and mechanisms to hold those found guilty accountable for their actions and to set conditions for the safe, dignified, and voluntary return of the more than two million individuals who have been displaced. The United States Agency for International Development (USAID) will contribute an additional \$45.5 million to support stabilization and early recovery efforts to help those who have been affected by violence in northeast Nigeria. DoD defers to other departments and agencies for specifics regarding various economic and development programs that help to improve the security environment (e.g., governance, justice, power, trade).

A determination of whether a group is covered by the 2001 AUMF is made at the most senior levels of the U.S. Government only after a careful evaluation of the intelligence concerning each group's organization, links with al-Qa'ida or the Taliban, and participation in al-Qa'ida's or the Taliban's ongoing hostilities against the United States or its coalition partners. Generally, this occurs only when DoD is contemplating military direct action against an al-Qa'ida- or ISIS-affiliated group. Therefore, an announcement by the Administration that the United States is conducting military direct action against particular groups because they are within the scope of the 2001 AUMF does not mean that other groups not listed, such as Boko Haram, are not within its scope.

The definition of "associated force" has not changed. Boko Haram pledged allegiance to ISIS in 2015, and it continues to be a dangerous terrorist group. Any detailed discussion about contemplated military action against Boko Haram should be conducted in a classified forum.

**Question:**

**2001 AUMF Applicability to Niger:** Recently, four U.S. service members were killed in an attack in Niger. Many Members of Congress are unclear on what the mission is there and have questions about what legal authority the executive branch is operating under. Last year, the Obama Administration listed all the groups it considered covered by a current AUMF and all the locations where military operations were being carried out under those AUMFs. The groups listed were: al Qaeda; the Taliban; certain other terrorist or insurgent groups affiliated with al Qaeda or the Taliban in Afghanistan; al Qaeda in the Arabian Peninsula; al-Shabaab; individuals who are part of al Qaeda in Libya; al Qaeda in Syria; and ISIS. And the countries where the Obama Administration said the United States was using force under current AUMFs were: Afghanistan, Iraq, Syria, Yemen, Libya, and Somalia. Has this administration extended the 2001 AUMF to any new groups or geographic locations? If so, what is the full list of groups against which the administration is claiming the authority to use force under the current AUMFs and in what countries are these operations taking place? Are any operations in Niger currently considered covered under the 2001 AUMF?

**Answer:**

**Mr. Sullivan's Response:**

The U.S. military is currently taking direct action against the following individuals and groups pursuant to the domestic legal authority of the 2001 AUMF: al-Qa'ida; the Taliban; certain other terrorist or insurgent groups affiliated with al-Qa'ida and the Taliban in Afghanistan; al-Qa'ida in the Arabian Peninsula; al-Shabaab; al-Qa'ida in Syria; and ISIS.

During the Trump Administration, the United States has used military force pursuant to the 2001 AUMF in Afghanistan, Cuba (detention operations), Iraq, Libya, Somalia, Syria, Niger, and Yemen.

Specifically in Niger, U.S. forces were attacked on October 4, 2017, by a force believed to be a part of ISIS, a group within the scope of the 2001 AUMF, and U.S. forces responded with force to

defend themselves. Although the U.S. team was deployed to train, advise, and assist Nigerian partner forces under the President's broad authority as Commander in Chief in Article II of the U.S. Constitution rather than the 2001 AUMF, and although U.S. forces responded to the attack with force consistent with the inherent right of self-defense, that use of force can also be considered as conducted pursuant to the 2001 AUMF due to the composition and affiliation of the attacking force.

Mr. Trachtenberg's Response:

A determination of whether a group is covered by the 2001 AUMF is made at the most senior levels of the U.S. Government only after a careful evaluation of the intelligence concerning each group's organization, links with al-Qa'ida or the Taliban, and participation in al-Qa'ida's or the Taliban's ongoing hostilities against the United States or its coalition partners.

The U.S. military is currently taking direct action against the following individuals and groups pursuant to the domestic legal authority of the 2001 AUMF: al-Qa'ida; the Taliban; certain other terrorist or insurgent groups affiliated with al-Qa'ida and the Taliban in Afghanistan; al-Qa'ida in the Arabian Peninsula; al-Shabaab; al-Qa'ida in Syria; and ISIS.

During this Administration, the United States has used military force pursuant to the 2001 AUMF in Afghanistan, Cuba (detention operations), Iraq, Libya, Somalia, Syria, Niger, and Yemen.

Specifically in Niger, U.S. forces were attacked on October 4, 2017, by a force believed to be a part of ISIS, a group within the scope of the 2001 AUMF, and U.S. forces responded with force to defend themselves.

Question:

**Somalia/Horn of Africa:** Some experts argue that Al Shabaab continues to thrive as a result of the continued weakness of the Somali government – in spite of military operations undertaken by the Somali National Army and the African Union Mission in Somalia, supported by the United States and other members of the international community. What measures is the State Department taking, in cooperation with the Federal Government of Somalia and the country's autonomous states, to improve governance and service delivery across the country?

Two recent high-casualty attacks in Mogadishu in October indicate a serious intelligence failure and possible infiltration of Somali national security forces by al-Shabaab. What measures have we taken to address these weaknesses and build renewed resolve on the part of the Federal Government of Somalia to undertake an offensive to clear al-Shabaab from south/central Somalia?

Recently, we have seen "collective self-defense" cited as the reason for some uses of military force. What are the parameters of, and the underlying domestic legal authorities for, military actions undertaken in collective self-defense of Somali partners? Which collective self-defense actions were undertaken under legal authority provided in the 2001 AUMF? Were any collective self-defense actions undertaken pursuant to any other sources of legal authority? If partner forces such as federal Somali forces or AMISOM forces come under attack from entities not associated

with Al Shabaab, Al Qaeda, or the Islamic State (including from local rivals, as was reportedly the case on September 28, 2016) does the Administration view the 2001 AUMF as providing authority for collective self-defense actions against those attacking entities? Does the authority for collective self-defense allow for actions in defense of non-federal Somali armed actors? What reporting requirements under the War Powers Resolution would be triggered by collective self-defense actions undertaken in Somalia against entities that are not covered directly by the 2001 AUMF as associated forces of al Qaeda?

What roles do the State Department and the Intelligence Community play in seeking to ensure that U.S. military operations do not inadvertently draw the United States into local rivalries unrelated to Al Shabab?

The more than 30 U.S. air strikes conducted in Somalia in 2017 have raised many questions. How many strikes were conducted in collective self-defense? How many were conducted under the authority provided in the 2001 AUMF? Were the recent strikes against ISIS-aligned elements in northeastern Somalia conducted under the authority provided in the 2001 AUMF? What is the nature of the relationship between ISIS-aligned elements in northeastern Somalia and ISIS Central?

**Answer:**

**Mr. Sullivan's Response:**

We agree that the long term solution to defeating al-Shabaab and other terrorist groups in Somalia requires effective and credible Somali governance and expansion of economic development, in addition to security. The United States is encouraging the Federal Government of Somalia (FGS) and the Federal Member States to work together to implement the political and economic commitments made at the May 2017 London Somalia conference to advance the federalism process and promote economic growth and opportunity. These commitments included completing a review of the provisional constitution and holding a constitutional referendum; preparing for one-person one-vote elections in 2020/21; rooting out corruption; reaching agreements between the national and state governments on resource sharing, delineation of legal authorities, and fiscal federalism; and improving revenue generation to pay for service delivery.

U.S. assistance programs are underway to facilitate progress in all of these areas. In December 2017, USAID signed a Development Objective Assistance Agreement with the FGS, the first comprehensive bilateral development agreement signed between the United States and Somalia in over 30 years. Programming efforts will be measured under the New Partnership for Somalia Mutual Accountability Framework, which will form the basis for jointly monitoring assistance programs against a shared set of policy commitments to be undertaken by the FGS, including key political milestones, more robust anti-corruption measurements, and the creation of a more conducive enabling environment for economic growth and investment.

Developing capable and reliable Somali security forces that can counter al-Shabaab and other terrorist groups is among our top priorities in Somalia. To combat the threat from al-Shabaab in the near term, U.S. assistance to the Somali National Army is focused on the development of

advanced infantry units of the Somali National Army, known as “Danab”, which are actively involved in the fight against al-Shabaab. On the civilian side, the United States supports the Somali Police Force Joint Investigations Teams (JIT), elite units that led the investigations of both October 2017 bombings in Mogadishu. JITs have generated investigative leads to head off future attacks, as well as evidence for use in terrorism prosecutions in Somali courts. Over the longer term, we are pressing the Federal Government and Federal Member States to implement the agreed National Security Architecture, which will define the roles and responsibilities of all military and civilian security forces in the country.

Both the Departments of State and Defense also provide robust support to AMISOM forces that are operating jointly with Somali security forces to clear al-Shabaab from south-central Somalia. This includes provision of a new aerial surveillance capability that will help secure main supply routes and facilitate civil-military coordination with Somali communities in areas affected by al-Shabaab, as well as two new attack helicopters for Ugandan forces in AMISOM. President Farmaajo also has indicated that U.S. airstrikes have bolstered the Federal Government’s position against al-Shabaab, particularly by disrupting improvised explosive devices networks.

The President has directed operations against al-Shabaab and ISIS in Somalia pursuant to the domestic legal authority provided by the 2001 AUMF. We would refer you to the Department of Defense for any specific details of their operations. The President has consistently reported the activities of U.S. forces in Somalia consistent with the War Powers Resolution.

The State Department regularly shares information on Somali political and clan dynamics with the Department of Defense. The U.S. Mission Somalia and U.S. Africa Command coordinate closely on U.S. military operations in Somalia. In Washington, the State Department coordinates closely with the Department of Defense and Intelligence Community regularly via regular working-level contacts as well as the formal interagency process.

The U.S. military is taking direct action, including air strikes, in Somalia against al-Shabaab and ISIS pursuant to the domestic legal authority provided by the 2001 AUMF. This direct action includes recent airstrikes against ISIS in northeastern Somalia. In addition, as a necessary and appropriate measure under the 2001 AUMF, strikes were taken against al-Shabaab in the defense of partner forces who were engaged in hostilities against al-Shabaab. We refer you to the Department of Defense for any specific details on their operations.

ISIS in Somalia falls within the scope of the 2001 AUMF because it is part of ISIS. Any further discussion of that relationship should be conducted in a classified setting.

Mr. Trachtenberg’s Response:

DoD defers to the Department of State on this question about measures the Department of State is taking.

Despite the high number of casualties in the aforementioned attacks, there is evidence to suggest that al-Shabaab was unable to penetrate Mogadishu security to reach its desired target locations, and the vehicle-borne improvised explosive devices (VBIEDs) were being pursued by security

personnel when detonated, indicating that the Federal Government of Somalia (FGS) is slowly making progress.

The United States continues to gather information and conduct counterterrorism operations to degrade the al-Shabaab networks responsible for these attacks, and we are making progress in this area. We continue to support AMISOM operations to secure key population centers. In a partnership between DoD and DOS, we are working to train and equip one Danab battalion in each sector to operate as a strike force against al-Shabaab.

DoD is currently conducting operations against al-Shabaab and ISIS in Somalia pursuant to the domestic legal authority provided by the 2001 AUMF. The exercise of that authority pursuant to the 2001 AUMF also includes the authority to exercise collective self-defense to defend U.S., Coalition, and any partner forces engaged in the campaign to defeat these groups to the extent such use of force is a necessary and appropriate measure in support of these counterterrorism operations. All engagements conducted in collective self-defense of partner forces in Somalia were conducted pursuant to the domestic legal authority provided by the 2001 AUMF. Yes. The authority provided by the 2001 AUMF to exercise collective self-defense to defend partner forces in Somalia includes the authority to defend against any hostile act or demonstration of hostile intent, irrespective of the group or individual committing the hostile act or demonstrating hostile intent. Yes. The authority to exercise collective self-defense to defend partner forces extends to any partner forces, including Somali national security forces and other forces engaged in the campaign to defeat al-Shabaab and ISIS. The President has consistently reported the activity of U.S. forces in Somalia consistent with the War Powers Resolution.

All DoD plans and operations are coordinated closely with U.S. Mission Somalia to integrate political and cultural analyses into decision making. Our military leaders are keenly aware that miscalculations in understanding the operational environment, clan dynamics, and local politics have detrimental strategic ramifications. We work closely with embedded cultural advisors and the Intelligence Community to understand second and third order effects of planned operations prior to deciding on a course of action.

DoD is currently conducting operations against al-Shabaab and ISIS in Somalia pursuant to the domestic legal authority provided by the 2001 AUMF. The exercise of that authority pursuant to the 2001 AUMF also includes the authority to exercise collective self-defense to defend U.S., Coalition, and any partner forces (Somali national security forces and other forces) engaged in the campaign to defeat these groups to the extent such use of force is a necessary and appropriate measure in support of these counterterrorism operations.

In 2017, DoD has conducted two strikes in collective self-defense of partner forces in Somalia. All DoD strikes conducted in Somalia in 2017, including those taken in self-defense, collective self-defense, and direct action, were conducted under the authority provided by the 2001 AUMF. Yes. ISIS-Somalia falls within the scope of the 2001 AUMF because it is part of ISIS. Any more-detailed discussion of that relationship should be conducted in a classified forum.

**Question:**

**Changes to Use of Force Policies and Legal Interpretations:** The Presidential Policy Guidance from 2013, establishing procedures for approving direct action against terrorist targets, is currently available on the Department of Justice website. However, according to news reports, the President recently signed a new set of less stringent rules. Is the 2013 policy guidance still current? Since the 2013 guidance is public, will you make any changes to that guidance public as well? Can you describe any changes that have been made so far, including whether any changes have been made to requirements for ensuring that strikes are conducted in furtherance of a well-defined strategy and whether the Administration's policy still includes a preference for capture over lethal action, when possible?

One year ago, President Obama released a comprehensive report on the legal and policy frameworks guiding the United States' use of military force and related national security operations. This report was released with a presidential memorandum that requires an updated version of the report to be publicly released on an annual basis. Do you plan to release this report? If not, why not?

**Answer:**

**Mr. Sullivan's Response:**

Any discussion of direct action should take place in a classified setting.

The Administration believes in the importance of informing Congress and the public of the legal and policy issues raised by the United States' use of military force, including through hearings and briefings to Congress and reports consistent with the War Powers Resolution.

The presidential memorandum issued by the previous administration calls for an updated report as appropriate. The Administration intends to consider whether an updated public report is appropriate at this time in the context of its preparation of the report provided for in section 1264 of the National Defense Authorization Act for Fiscal Year 2018.

**Mr. Trachtenberg's Response:**

The Department of Defense will continue to keep Congress informed of its counterterrorism direct action operations in accordance with laws such as section 130f of Title 10 concerning notification requirements for sensitive military operations. I have no additional information to share at this time regarding updated presidential policies.

The Department of Defense is aware of Section 1264 of the National Defense Authorization Act for Fiscal Year 2018, which provides: "Not later than 90 days after the date of enactment of this Act, the President shall submit to the appropriate congressional committees a report on the legal and policy frameworks for the United States' use of military force and related national security operations." The Department of Defense will participate in developing the required report.

**Question:**

**Congressional Oversight:** The 2013 Presidential Policy Guidance states that a “congressional notification shall be prepared and promptly provided to the appropriate Members of the Congress by the department or agency approved to carry out such actions” when a new operational plan for direct action is approved, authority is expanded, or an operation has been conducted. It also says that appropriate Members of Congress will be updated every 3 months on High Value Targets that are approved for lethal action. Given that the Foreign Affairs Committee has jurisdiction over authorizations for the use of military force, do you always provide these notifications to our committee when an action is taken under the authority provided in the AUMF? Will you commit to always providing our committee with these notifications and notifications required by any similar, updated policy documents in the future?

**Answer:**

**Mr. Sullivan’s Response:**

As the Committee on Foreign Affairs has jurisdiction over authorizations for the use of military force, the Department will continue to notify the Committee on AUMF related matters. The Department will continue to notify Congress in this manner.

**Mr. Trachtenberg’s Response:**

DoD will continue to keep Congress informed regarding military operations.

**Question:**

**War Powers Resolution Reporting:** We have seen a number of incidents in which US forces have been introduced into hostilities, or situations where hostilities are likely, to help defend, rescue, or search for other US forces or partner forces. The President’s Article II powers, rather than an AUMF, are often cited as the source of authority for these actions. Our forces clearly have the right to defend themselves and other Americans. However, it seems that Congress is not always notified in accordance with the War Powers Resolution (WPR) requirements when these defensive actions occur. Section 4(a) of the WPR requires that, “[i]n the absence of a declaration of war, in any case in which United States Armed Forces are introduced (1) into hostilities or into situations where imminent involvement in hostilities is clearly indicated by the circumstances; (2) into the territory, airspace or waters of a foreign nation, while equipped for combat, except for deployments which relate solely to supply, replacement, repair, or training of such forces; or (3) in numbers which substantially enlarge United States Armed Forces equipped for combat already located in a foreign nation; the president shall submit within 48 hours to the Speaker of the House of Representatives and to the President pro tempore of the Senate a report, in writing.” This text requires reporting anytime US forces are introduced into hostilities, and does not include exemptions for cases in which the introduction is unintentional or undertaken in response to an emergency. Could you clarify what WPR reporting requirements are triggered when U.S. forces are introduced into hostilities for any form of self-defense or other defensive action? If U.S. forces are on a training mission under Title 10 authorities, where involvement in hostilities is not expected, and they end up in hostilities, does that trigger a report within 48 hours under Section 4 of the WPR? Similarly, if US forces are introduced into hostilities to help defend other US forces

or partner forces who unexpectedly end up in hostilities, does that trigger a report within 48 hours? Could you please provide, aside from operations conducted pursuant to an AUMF, a complete list of situations over the past 3 years in which US forces have been involved in hostilities or situations where imminent involvement in hostilities is clearly indicated by the circumstances? How do you assess whether imminent involvement in hostilities is clearly indicated by the circumstances and how often do those assessments prove incorrect?

Section 8(c) of the War Powers Resolution states that "the term 'introduction of United States Armed Forces' includes the assignment of member of such armed forces to command, coordinate, participate in the movement of, or accompany the regular or irregular military forces of any foreign country or government when such military forces are engaged, or there exists an imminent threat that such forces will become engaged, in hostilities." Can you please explain whether this definition for the introduction of United States Armed Forces applies to security assistance operations in which US forces are accompanying partner forces on operations that involve hostilities or where there exists an imminent threat of hostilities? Does the operation that resulted in the tragic death of four U.S. service members in Niger fall under this definition? If not, why not?

**Answer:**

**Mr. Sullivan's Response:**

The War Powers Resolution (WPR) provides that the President must report the deployment of U.S. forces consistent with Section 4(a), and it does not make a distinction on the basis of the purpose of the deployment, e.g., a "defensive action" or otherwise. Similarly, the WPR provides that the President must report when U.S. forces are "introduced into hostilities," and it does not make a distinction as to whether those hostilities were expected or unexpected, although not all violence involving U.S. forces necessarily amounts to "hostilities." Whether any specific measure in self-defense constitutes introduction into hostilities or into a situation where imminent involvement in hostilities is clearly indicated by the circumstances under section 4(a) and thus implicates a 48-hour report will depend upon the facts and circumstances of a specific situation. To the extent that a deployment of U.S. forces equipped for combat or the occurrence of "hostilities" is not within the scope of previous reporting on activities conducted pursuant to the 2001 AUMF, the War Powers Resolution provides that the President is to report the activity to the congressional leadership.

Aside from operations conducted pursuant to an AUMF, on April 6, 2017, the U.S. military struck Shayrat military airfield following the Syrian government's chemical weapons attack on the town of Khan Shaykhun. President Trump directed the strike on Shayrat airfield pursuant to his constitutional authority to conduct U.S. foreign relations and as Commander in Chief and Chief Executive. Congress was notified of this particular strike in a Presidential report consistent with the War Powers Resolution on April 8, 2017. Further, on October 12, 2016, President Obama directed missile strikes against radar facilities in Yemen that were involved in anti-ship cruise missile launches that threatened U.S. Navy warships in the international waters of the Red Sea. Congress was notified of this particular strike in a Presidential report consistent with the War Powers Resolution on October 14, 2016.

Whether and under what circumstances security assistance operations would implicate section 8(c) of the War Powers Resolution would depend on the facts and circumstances of a particular situation. Section 8(c) clarifies that the War Powers Resolution applies not only to U.S. military operations, but also to the assignment of U.S. forces to accompany foreign military forces that are engaged in or there is an imminent threat that such forces will become engaged in hostilities. When applying section 8(c), the relevant question remains whether U.S. forces are introduced into hostilities or there exists an imminent threat that such forces will become engaged in hostilities.

The Administration's assessment is that a group that is part of ISIS was responsible for the attack on U.S. armed forces in Niger on October 4, 2017. Operations against ISIS are authorized by the 2001 AUMF, and activities conducted pursuant to the 2001 AUMF have been previously reported to Congress consistent with the War Powers Resolution. Thus, U.S. actions to defend against this attack would not require a separate 48-hour report under the War Powers Resolution.

Mr. Trachtenberg's Response:

The War Powers Resolution (WPR) provides that the President must report the deployment of U.S. forces consistent with Section 4(a), and it does not distinguish the purpose of the deployment, e.g., a "defensive action" or otherwise. Similarly, the WPR provides that the President must report when U.S. forces are "introduced into hostilities," and it does not distinguish whether hostilities are expected or unexpected, although not all violence involving U.S. forces necessarily amounts to "hostilities." To the extent that a deployment of U.S. forces equipped for combat or the occurrence of "hostilities" is not within the scope of previous reporting on activities conducted pursuant to the 2001 AUMF, the War Powers Resolution provides that the President is to report the activity to the congressional leadership.

Aside from operations conducted pursuant to an AUMF, President Trump directed military action pursuant to his Article II constitutional authority with respect to the April 2017 strike on the Shayrat military airfield in Syria. Congress was notified of this particular strike in a Presidential report consistent with the War Powers Resolution on April 8, 2017. In October 2016, President Obama directed military action pursuant to his Article II constitutional authority with respect to missile strikes on radar facilities in Houthi-controlled territory in Yemen that were involved in anti-ship cruise missile launches that threatened U.S. Navy warships in the Red Sea. Congress was notified of this particular strike in a Presidential report consistent with the War Powers Resolution on October 14, 2016.

Whether and under what circumstances security assistance operations would implicate section 8(c) of the War Powers Resolution would depend on the facts and circumstances of a particular situation. Section 8(c) clarifies that the War Powers Resolution applies not only to U.S. military operations, but also to the assignment of U.S. forces to accompany foreign military forces that are engaged in or there is an imminent threat that such forces will become engaged in hostilities. When applying section 8(c), the relevant question remains whether U.S. forces are introduced into hostilities or there exists an imminent threat that such forces will become engaged in hostilities.

The Administration's assessment is that an ISIS-affiliated group was responsible for the attack on U.S. armed forces in Niger on October 4, 2017. Operations against ISIS are authorized by the 2001 AUMF, and activities conducted pursuant to the 2001 AUMF have been previously reported to Congress consistent with the War Powers Resolution. Thus, U.S. actions to defend against this attack would not require a separate 48-hour report under the War Powers Resolution.

**Question:**

**Civilian Casualties:** Civilian casualties from U.S. strikes are on the rise. What have you done to evaluate whether increased civilian casualties outside of active war zones will undermine our larger counterterrorism efforts? How do civilian casualties affect support for terrorist organizations and our ability to defeat these organizations in the long-run? When assessing the risk of civilian casualties, how do we define civilians and members of terrorist organizations? Are all military age males in certain areas sometimes considered non-civilians?

**Answer:**

**Mr. Sullivan's Response:**

The U.S. government continues to take extraordinary measures to minimize harm to civilians and there has been no relaxation of our efforts. The Department of Defense is best positioned to outline the specific measures it takes to protect non-combatants and assess trends. From the State Department, we continue to work closely with DoD to assist its investigations of allegations of civilian casualties reported by non-governmental organizations.

In addition to humanitarian concerns, civilian casualties can have strategic implications, especially in connection with a broader contest for the hearts and minds of a local population. Terrorists and insurgents often exaggerate and capitalize on allegations of U.S.-caused civilian casualties to bolster their own recruitment and support, as well as anti-American sentiment. It is just one more reason why the U.S. government takes extraordinary measures to protect non-combatants.

I refer you to the Department of Defense for their definitions on operational issues.

**Mr. Trachtenberg's Response:**

DoD takes extraordinary measures to reduce and mitigate the likelihood of future incidents of civilian casualties. It is the legal, moral, and ethical thing to do, and is part of a sound military strategy. As stated in the July 2016 Executive Order related to civilian casualties, and consistent with long-standing DoD practices related to protecting civilians, minimizing civilian casualties can help maintain the support of partner governments and vulnerable populations and enhance the legitimacy and sustainability of U.S. operations critical to our national security.

Civilian casualties can have strategic consequences. As we have learned, including in recent conflicts in Afghanistan and Iraq, civilian casualty incidents can turn the local population against U.S. forces, putting U.S. forces, or our partners or allies, at risk, and affect U.S. security interests and strategy at the national and international levels.

In armed conflicts against terrorist groups, individuals who are formally or functionally part of terrorist groups often do not wear uniforms or carry their arms openly. U.S. forces go to great lengths to distinguish between members of terrorist organizations and civilians, who are generally understood to be individuals who are neither part of nor associated with an armed force or group, nor otherwise engaging in hostilities. In particular, U.S. forces consider all available information to inform that assessment. For example, this information may include the extent to which a person performs functions for the benefit of the group that are analogous to those traditionally performed by members of a country's armed forces; whether a person is carrying out or giving orders to others within the group; and whether a person has undertaken certain acts that reliably connote meaningful integration into the group.

It is not the case that all military-aged males are automatically deemed combatants based solely on their age and gender. As noted above, individuals are assessed by U.S. forces to determine their status (i.e., as lawful targets or non-combatants) using all available information. This information can include age and gender, location, and activity. For example, it could be reasonable in certain circumstances to infer that males of military age at a terrorist group's remote training camp are combatants. On the other hand, such an inference would not be appropriate when observing interactions with a known terrorist in a more public area such as an urban market.

**Question:**

**Defense Institution-Building:** In his 2017 Annual Posture Statement, General Waldhauser stated that "Training and equipping African partners for the tactical fight is insufficient to achieve long-term stability. U.S. and international assistance must build our African partners' ability to direct, manage, sustain, and operate their own defense sectors over time. Capable and sustainable defense institutions are critical in providing a secure environment for the deepening of democracy and broad-based development, which together can diminish some of the factors that attract vulnerable persons into violent extremism and criminality." How would you assess the progress of institutional capacity-building across the defense sectors in sub-Saharan Africa? Can you give us examples that demonstrate how the U.S. is improving defense institutions in Africa? Do you think that there is still an imbalance in favor of tactical train and equip, as opposed to assistance focused at the strategic and operational levels?

**Answer:**

**Mr. Sullivan's Response:**

The State Department does not believe there is a detrimental imbalance in favor of tactical train and equip. The Department considers both types of assistance to be valuable and uses both, as needed. Tactical train and equip programs, and assistance focused at the strategic and operational levels, are both key to developing the capabilities of partner nations at all levels. Tactical train and equip is essential to ensure partner nations have the basic military skills and equipment to address threats within their borders and when deployed abroad. At the same time, higher-level reform guarantees that the provided training and equipment can be sustained and effectively used by the partner nation.

Institutional reform complements and is often less costly than tactical train and equip, but it is a long-term effort that requires the political buy-in and commitment of the partner nation.

The Department has successful programs that focus directly on institutional reform, such as the previously mentioned Africa Military Education Program (AMEP) and the Security Governance Initiative (SGI); however, many of the Department's train and equip programs also successfully connect aspects of higher-level strategic and operational capability development. For example, the African Peacekeeping Rapid Response Partnership (APRRP) increases the capacity of Troop Contributing Countries (TCCs) to deploy rapidly not only through training and equipping, but also through institutional engagements, such as logistics and deployment management advisors. Similarly, while the Trans-Sahara Counterterrorism Partnership (TSCTP) and Partnership for Regional East Africa Counterterrorism (PRACT) programs focus on training and equipping nations for counterterrorism efforts, they have also funded logistics advisors in Kenya and Chad, and an aviation advisor in Uganda, to institutionalize the support being provided. Further, the Africa Maritime Security Initiative (AMSI) funds maritime security training and provides advisors to support African countries in their development of national maritime security strategies and to help the Economic Communities of Central and West African States (ECOWAS) implement a regional maritime strategic framework.

Mr. Trachtenberg's Response:

DoD has made noteworthy progress improving institutional capacity in a few sub-Saharan countries where we have implemented tailored, coherent programs and activities. DoD is working to improve a number of processes that would provide a more comprehensive, balanced analysis of the broad defense and military challenges our partners face, from the tactical to the ministerial levels.

Over the last decade, DoD has created programs specifically aimed at defense governance and management issues. DoD is planning to grow these capabilities and integrate them more effectively into U.S. Africa Command's planning processes to ensure country-specific plans address the full range of defense functions. In addition, DoD's implementation of its Assessment, Monitoring and Evaluation program will result in more rigorous monitoring of its efforts and independent evaluation of results.

Kenya is a good example of how the United States is improving defense institutions in Africa over a sustained period of time. Within the Kenya Defense Forces (KDF), DoD is making noticeable progress in the institutional capacity development of the KDF logistics system. In 2017, the Defense Governance Management Team (DGMT) conducted five engagements with the KDF regarding the Vertically Integrated Logistics Approach which holistically evaluates military logistics from the tactical to the strategic level. Five more engagements are planned for 2018. DoD partnership with DOS logistics advisors has propelled progress on the ground in Kenya. The Kenyan Ministry of Defense has also made steady progress in institutional capacity development. In November 2015, Kenya's Cabinet Secretary for Defense requested U.S. assistance to professionalize Ministry of Defense (MoD) civilians in areas such as policy and strategy; human resource management; and budgeting and procurement. In September 2016, the Cabinet Secretary visited the Pentagon for the first U.S.-Kenya security bilateral exchange, and expressed her appreciation for progress in this area, largely the result of DGMT efforts. In September 2017,

Kenya sent a delegation of senior MoD civil servants to the Pentagon for a successful workshop, during which DoD personnel shared best practices in areas of defense management and oversight.

Despite this progress, there remains an imbalance in favor of tactical train-and-equip efforts as opposed to assistance focused at the strategic and operational levels, and a number of recent initiatives seek to create a more balanced approach. The current imbalance exists principally because most security assistance systems and processes were established for the train-and-equip mission and have not yet adapted to address requirements for defense institution building. A number of recent initiatives, including those stimulated by the National Defense Authorization Act (NDAA) for Fiscal Year (FY) 2017, are beginning to lay the foundation for improved planning and programming of security assistance to address defense governance and management in addition to tactical challenges. These include the DOS-led and DoD-supported Security Governance Initiative, the establishment of the aforementioned Defense Governance and Management Team, professionalization of the DoD security cooperation workforce, and the requirement in the NDAA for FY 2017 for joint DOS/DoD development and planning of train-and-equip efforts, which must include institutional capacity building.

**Question:**

**Chief of Mission and Geographic Combatant Command Authority:** We understand that there is often tension between Chief of Mission (CoM) and Geographic Combatant Command (GCC) authority for DoD personnel operating in many African countries. How have these tensions manifested in the U.S. Africa Command Area of Responsibility? How could this process be improved?

**Answer:**

**Mr. Sullivan's Response:**

In Somalia and Libya, our Chiefs of Mission in the field coordinate closely with US Africa Command (USAFRICOM) on ongoing military operations and other policy issues.

AFRICOM, through its Senior Defense Officials offices and the Combined Joint Task Force-Horn of Africa Headquarters, has directed its military leadership to obtain COM approval for activities when required by law, Presidential directives, or DoD policy. Our Chiefs of Mission communicate regularly with Department of State leadership in Washington, and senior Department of State officials coordinate policy closely with Department of Defense and other interagency counterparts.

**Mr. Trachtenberg's Response:**

Decisions about military activities in a foreign country generally are subject to rigorous review to ensure military and diplomatic insights and views are understood and balanced. Although the Chief of Mission (COM) is not in the military chain of command, DoD works to keep COMs informed of all activities and seeks their advice and counsel. Overall, this relationship works extremely well.

**Question:**

**Child Soldiers Prevention Act (CSPA):** I am concerned by reports that Secretary Tillerson acted in contravention of the Child Soldiers Prevention Act (CSPA) by not listing Afghanistan, Iraq, and Burma among those countries who use child soldiers. Reporting indicates that State Department's legal adviser, relevant offices and bureaus, and relevant embassies abroad believed these three countries should be listed. The Child Soldiers Prevention Act requires the State Department to list any country – even if it believed the country was making progress – that used child soldiers during the year, without exception. Please explain what specific information the Secretary used to make his decision and why he chose to ignore the advice of State Department experts, and the CSPA's legal framework, by not listing these three countries? How will this be rectified?

Mr. Sullivan's Response:

The United States takes the recruitment and use of child soldiers very seriously, and the Department agrees with the importance of using the annual CSPA list to focus international attention on the unlawful recruitment and use of child soldiers. In making listing determinations under the CSPA, the Secretary considered the credibility of all of the information available to him from multiple sources. He determined that eight countries – Democratic Republic of the Congo, Mali, Nigeria, Somalia, South Sudan, Sudan, Syria, and Yemen – met the statutory requirements to be identified under the CSPA as unlawfully recruiting or using child soldiers. The Secretary thoroughly reviewed all of the most current and available information and made a determination about whether the facts justified a listing pursuant to the law.

Question:

**Staff Cuts:** Please explain how the Secretary's plan to cut State Department staffing by 8 percent will make the Department more effective.

Mr. Sullivan's Response:

The initial target was set at a net personnel reduction level of 1,982, comprised primarily of workforce reductions of 1,362 (of which 511 in FY 2017 and 851 in FY 2018) achieved through hiring below projected attrition, with the balance to be achieved through voluntary separation and voluntary early retirement. The November 2017 proposal set a target of 641 personnel. The rationale is to move on a voluntary basis toward a more efficiently run Department.

At this time, the Department is continuing to assess the workforce to allocate positions as efficiently as possible to meet our diplomatic and national security mission.

The initial targets do not relate to or inform current Redesign or Impact Initiative planning. However, we anticipate that the Impact Initiative modernization projects will increase our overall effectiveness, which may result in future staffing efficiencies.

Question:

**Embassy Security Following President Trump Retweets:** According to CNN, the State Department communicated to the White House its concerns about potential protests at U.S. embassies abroad as a result of President Trump's November 29<sup>th</sup> retweets of three inflammatory, doctored videos with anti-Muslim content. What specific concerns were raised by the State Department to the White House and to whom were they made known?

Mr. Sullivan's Response:

The Department of State does not comment on conversations it has had with the White House on security matters.

Question:

**Honduras:** On November 28<sup>th</sup> – two days after a contentious presidential election in Honduras in which there have been serious allegations about vote tampering – the State Department certified that the central government of Honduras had made sufficient progress in several areas to warrant receipt of U.S. assistance. When asked about the timing of the certification at a December 5<sup>th</sup> press briefing, State Department Spokesperson Heather Nauert said, "it was just done when it was done." Why was Honduras certified two days after the country's presidential election, precisely as the country's current political crisis began? What was the thinking behind the timing of this certification?

Mr. Sullivan's Response:

The Department undertook a thorough review of information from various sources between October 2016 and September 2017, including U.S. government agencies, civil society, independent reporting, and the host government, in considering whether to certify and report to Congress under section 7045(a)(4)(B) of the Department of State, Foreign Operations, and Related Programs Appropriations Act, 2017 (Div. J, P.L. 115-31) (SFOAA) that the Government of Honduras took effective steps to meet the 12 required criteria. The Secretary signed the certification November 28 and it was subsequently transmitted with a Memorandum of Justification to Congress. This decision was not linked to the ongoing electoral process in Honduras.

This certification is only one step in the effort to ensure Honduras is demonstrating continued action, commitment, and support on U.S. priorities. The Department will assess whether the new government has the political will to follow through on those commitments.

Question:

**Resolution of Conflicts:** At a November 28<sup>th</sup> event at the Wilson Center, Secretary Tillerson said that President Trump's draconian cuts to the international affairs budget are "reflective of an expectation that we're going to have success in some of these conflict areas." Can you please tell us what specific conflicts you think will be resolved in the coming year?

Mr. Sullivan's Response:

Many of the world's crises emanate from conflict-affected and fragile states with poor governance, the absence of the rule of law, corruption, weak or nonexistent democratic institutions, and human rights abuses. Even with the reductions in funding, we will continue to be the leader in international development, global health, democracy and good governance initiatives, and humanitarian efforts. Our budget request in FY 2018 includes dedicated resources to support the U.S. government's efforts to address the root cause of these issues in high priority countries such as Afghanistan, Iraq, Nigeria, Somalia, Syria, and Yemen. We anticipate seeing greater progress in many of these places as we press our national and local partners to step up their leadership and take greater responsibility for resolving political disputes that fuel these conflicts. The United States is committed to doing our fair share, and will remain a leader particularly in providing life-saving humanitarian assistance, yet we are also asking our international partners to step up their efforts and contribute more. Finally, as both the Secretary and I have stressed before, we believe it is our people first and foremost – not the level of resources – that will determine our ability to succeed in addressing complex crises and conflicts across the world.

**Question:**

**DoD Encroachment on State Department Authorities:** With alarming speed, the Pentagon has duplicated almost all of the State Department's authorities to deliver Security Assistance and Counter-narcotics assistance, in spite of State Department's clear legal mandate to direct policy in this area. This has led, arguably to confusion, duplication and inefficiencies and waste, not to mention a distraction from DoD's core mission. How will you build up the capacities within State to ensure that these programs can be managed effectively by the State Department rather than ceding this policy space to the Defense Department?

**Mr. Sullivan's Response:**

It is the responsibility of the State Department to ensure that our security assistance aligns with and promotes U.S. objectives in light of the broader diplomatic and defense relationship, and that everything the various entities of the U.S. government are doing in foreign security sectors advances a single coherent strategy. The Department has longstanding practices for coordinating the deployment of its security assistance funds, including processes such as the development of the Integrated Country Strategy, the development of the Mission Resource Request, various interagency planning forums, and program-specific proposal review processes.

The State Department is also working with the Department of Defense to develop processes to synchronize security assistance planning and programming across the two departments, in light of DoD's expanded assistance authority. Secretary Tillerson and Secretary Mattis have established a State Department-DoD Security Sector Assistance Steering Committee that is taking on this important task. The Steering Committee will oversee a process to ensure that State and DoD are optimizing our respective department resources and individual authorities to advance U.S. national security priorities and partnerships. Both State and DoD will benefit from this coordination, as close collaboration permits the agencies to maximize our limited resources and capitalize on each agency's unique expertise and authorities.

Secretary Tillerson has also designated the Assistant Secretary for Political-Military Affairs (PM) as the lead coordinator for State in the joint planning, development, and implementation of programs for DoD's section 333 assistance authority, which consolidated and codified several security sector assistance authorities -- including for counter-narcotics and counter-weapons of mass destruction -- in the FY 2017 National Defense Authorization Act. This is in line with the requirement for the Department to designate an individual responsible for program coordination at the lowest appropriate level. In fulfilling its role as lead section 333 coordinator, PM manages a consultative and inclusive planning and approval process to ensure that Departmental priorities and policy concerns are reflected in security sector assistance plans and programs. In doing so, PM works in concert with all Department regional and functional stakeholders, including the Bureau of International Narcotics and Law Enforcement Affairs.

At the same time, the Office of U.S. Foreign Assistance Resources (F) maintains overall responsibility for ensuring the alignment of foreign assistance resources with Administration policy and strategies and exercises the delegated authority to concur with section 333 programs.

**Question:**

**Vacant Positions:** How, if at all, does the absence of a U.S. ambassador in Somalia since August or a lack of permanent Assistant Secretary for African Affairs impact the State Department's ability to raise concerns regarding U.S. military activities in Somalia?

**Mr. Sullivan's Response:**

There has been no impact on the close and consistent coordination between the State Department and Defense Department on U.S. military activities in Somalia since Ambassador Schwartz's retirement in October 2017. Deputy Chief of Mission Martin Dale, an experienced diplomat with extensive Somali experience, will be Chargé d'Affaires ad interim until a new Ambassador is nominated and confirmed. Acting Assistant Secretary for African Affairs Donald Yamamoto has extensive experience in East Africa as U.S. Ambassador to Djibouti and then to Ethiopia, and as Chargé d'Affaires for the U.S. Mission to Somalia in 2016. Chargé Dale and Ambassador Yamamoto remain in close contact with Defense Department officials, including the Commander of U.S. Africa Command, regarding U.S. military operations in Somalia.

Questions for the Record from Representative Brad Sherman  
Counterterrorism Efforts in Africa  
December 7, 2017

**Question:**

**U.S. Troops in Africa:** The previous Administration publicly released both the Presidential Policy Guidance establishing procedures for approving direct action against terrorist targets and a comprehensive report on the legal and policy frameworks guiding our use of military force. Do both of these documents reflect this Administration's current policies? If anything has changed, when will you release updated versions of these public documents? If you are not planning to publicly release changes, can you please describe why these previously public documents will no longer be public and how the American people will know that the Administration's policies have changed?

In response to Representative Bass' question about troop presence in Africa, you indicated that you would prefer to discuss that in a classified setting. But there are open source government reports saying that there are 5,000-6,000 U.S. troops in Africa. Does your response mean that you are unaware of these reports or that the administration has decided to classify this information that has up until now been publicly available?

**Answer:**

**Mr. Trachtenberg's Response:**

The Department of Defense will keep Congress informed of its counterterrorism direct action operations in accordance with laws such as section 130f of Title 10 concerning notification requirements for sensitive military operations. I have no additional information to provide regarding updated presidential policies.

Although it is not appropriate in an open setting to discuss precise numbers and locations of military activities specifically related to counterterrorism efforts, I am aware of the number of U.S. military personnel, DoD civilians, and contractors on the continent of Africa working to disrupt transnational threats, protect U.S. personnel and facilities, and promote regional stability. Broadly speaking, the published government reports reflect the number of personnel deployed to conduct a myriad of operations and tasks, including training exercises, U.S. forces deployed to build partner nation capacity, and logistical support to operational requirements throughout the continent.

Questions for the Record from Rep. Lois Frankel  
Counterterrorism Efforts in Africa  
December 7, 2017

**Question:**

**Global Gag Rule:** The expanded Global Gag Rule threatens to harm millions of women and girls, and we've also defunded programs at the United Nations that will cause cuts to U.S. health, contraception and AIDS prevention funds. Secretary of State Rex Tillerson has promised a six-month review of the Global Gag Rule. When will Congress receive this review? Will this review be made public? Will that review include assessments of any harm caused by this policy to women and girls in countries that receive U.S. global health assistance? Are there plans to conduct additional reviews to monitor ongoing impacts?

**Answer:**

**Mr. Sullivan's Response:**

As Secretary Tillerson testified in June 2017, the Department has committed to undertaking a comprehensive review of the effectiveness and impact of the Protecting Life in Global Health Assistance (PLGHA) policy's application since its implementation on May 15, 2017. The review results were shared with Congress on February 7, 2018.

Yes, it is available on the Department of State website at [www.state.gov/f/releases/other/278012.htm](http://www.state.gov/f/releases/other/278012.htm)

Yes, it is available on the Department of State website at [www.state.gov/f/releases/other/278012.htm](http://www.state.gov/f/releases/other/278012.htm)

Yes, the U.S. government expects to conduct another review of implementation of the policy at the end of 2018.

**Question:**

**Office for Women's Issues:** The Office for Global Women's Issues used to report directly to the Secretary of State, and now that Office is going to be downgraded. The issues that involve women are so diverse and cut across so many different sectors of the State Department – from economic empowerment, to gender equality, to health. Could you please assure me that the Office for Global Women's Issues will still be able to access all of those issues under the Under Secretary for Civilian Security, Democracy, and Human Rights, and also provide an update on filling the Ambassador-at-Large position?

**Answer:**

**Mr. Sullivan's Response:**

The State Department remains committed to improving gender equality globally and recognizes the direct impact these efforts have on our national security and foreign policy objectives of stability, prosperity and security. The Office of Global Women's issues (S/GWI) will continue to work within the Department and interagency to empower women and girls socially, politically and economically in the communities and societies in which they live. The empowerment of adolescent girls; women's political and economic empowerment; women's participation in peace and security processes; and the prevention of and response to gender-based violence continue to be areas of focus where we will remain steadfast in our efforts.



Questions for the Record from Rep. Brad Schneider  
Counterterrorism Efforts in Africa  
December 7, 2017

**Question:**

**Child Soldiers Prevention Act:** I am concerned that Secretary Tillerson violated U.S. law, specifically the Child Soldiers Prevention Act (CSPA), when he did not list Afghanistan, Burma, and Iraq as countries who used or supported the use of child soldiers in 2016. As you know, the Child Soldiers Prevention Act requires the State Department to list any country – even if it believed the countries were making progress – that used child soldiers during the year without exception. I understand the State Department’s Office of the Legal Adviser and every relevant regional and functional office and bureau cleared the recommendation that the Secretary include these three countries in the 2017 CSPA list. When asked during the hearing why the Secretary chose to ignore the recommendation of the State Department and not include Afghanistan, Burma, and Iraq in the 2017 CSPA list, you said the Secretary applied his judgement based on the recommendation and materials he received. What specific documents and facts did the Secretary use to make his CSPA determination?

**Answer:**

**Mr. Sullivan’s Response:**

The United States takes the recruitment and use of child soldiers very seriously, and the Department agrees with the importance of using the annual CSPA list to focus international attention on the unlawful recruitment and use of child soldiers. In making listing determinations under the CSPA, the Secretary considered the credibility of all of the information available to him from multiple sources. He determined that eight countries – Democratic Republic of the Congo, Mali, Nigeria, Somalia, South Sudan, Sudan, Syrian, and Yemen – met the statutory requirements to be identified under the CSPA as unlawfully recruiting or using child soldiers. The Secretary thoroughly reviewed all of the most current and available information and made a determination about whether the facts justified a listing pursuant to the law.